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UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO
UNITED STATES OF AMERICA,
Plaintiff,
v. Docket No. 12-2039-FAB
San Juan, Puerto Rico
THE COMMONWEALTH OF
PUERTO RICO, et al., May 20, 2022
Defendants.

STATUS CONFERENCE
BEFORE THE HONORABLE JUDGE FRANCISCO A. BESOSA,
UNITED STATES DISTRICT JUDGE.

APPEARANCES:
For the United States
of America: Mr. Luis E. Saucedo, Esq.
Mr. Jorge M. Castillo, Esq.
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
For the Commonwealth
of Puerto Rico and the
Puerto Rico Police
Department: Mr. Gabriel A. Penagaricano, Esq.
Mr. Rafael Barreto-Sola, Esq.
Cancio, Nadal & Rivera, LLC
403 Munoz Rivera Avenue
San Juan, PR 00918

ALSO PRESENT:
Mr. Alexis Torres-Rios, Secretary
Department of Public Safety

1 APPEARANCES, Continued:

2 Mr. Rafael Riviere-Vazquez, Sub-Secretary
3 Department of Public Safety

4 Mr. Arturo Garferr-Croly, Special Assistant to
5 Secretary, Department of Public Safety

6 Mr. Carlos Colon, Director, IT Office
7 Department of Public Safety

8 Mr. Miguel Candelario-Piniero, In-house Counsel
9 Department of Public Safety

10 Ms. Maria Del Mar Ortiz-Rivera, Esq.
11 Governor's Representative

12 Mr. Pedro De Jesus, Esq.
13 Chief Counsel, Office of Management and Budget

14 Ms. Zulma Canales, Director of Fiscal Compliance
15 Office of Management and Budget

16 Mr. Enrique Volckers, Innovation Chief
17 Puerto Rico Innovation and Technology Service

18 Ms. Nannette Martinez-Ortiz, Acting Information and
19 Technology Officer

20 Mr. Edgardo Gonzalez, Assistant Administrator
21 Government Services Administration

22 Mr. Gustavo Cartagena, Director
23 Office for the Administration and
24 Transformation of Human Resources

25 Colonel Antonio Lopez-Figueroa, Commissioner
Puerto Rico Police Bureau

Captain Carlos Figueroa-Ortolaza, Director, Reform
Office, Puerto Rico Police Bureau

Mr. Jose Vazquez-Rivera, In-house Counsel
Puerto Rico Police Bureau

Mr. Caonabo Vicente, Director of Information
Technology, Puerto Rico Police Bureau

Mr. Angel Diaz, Director, Consultant IT Bureau
Puerto Rico Police Bureau

1 Mr. Pedro Santiago, Counsel to the Commissioner
2 Puerto Rico Police Bureau

3 Mr. Amaury Rodriguez, Analyst on Public Safety
4 Financial Oversight & Management Board

5 Ms. Elisa Guardiola, Budget Manager
6 Financial Oversight & Management Board

7 Mr. John Romero, Monitoring Team

8 Ms. Denise Rodriguez, Monitoring Team

9 Mr. Scott Cragg, Monitoring Team

10 Mr. Hipolito Castro, Jr., Monitoring Team

11 Ms. Merangelie Serrano, Monitoring Team

12 Mr. Alan Youngs, Monitoring Team

13 Mr. Roberto Abesada-Aguet, Esq.

14 Mr. Javier Gonzalez, Monitoring Team

15 Dr. Alejandro Del Carmen, Special Master

16 Mr. Thomas Petrowski, Assistant Special Master

17 Mr. Gary Loeffert, Second Assistant Special Master

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24 Proceedings recorded by stenography. Transcript produced by
25 CAT.

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2	WITNESSES:	PAGE
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5	EXHIBITS:	
6	None offered.	
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1 San Juan, Puerto Rico

2 May 20, 2022

3 At or about 1:50 PM

4 * * *

5 THE COURT: Please call the case.

6 COURTROOM DEPUTY: Yes, Judge. Civil case 12-2039,
7 *United States of America v. the Commonwealth of Puerto Rico*.
8 This is a status conference held in the courtroom.

9 We're ready to proceed, Judge.

10 THE COURT: Okay. Who are the attorneys present?

11 COURTROOM DEPUTY: Judge, yes, sorry. On behalf of
12 the United States, Jorge Castillo and Luis Saucedo. And on
13 behalf of the Commonwealth, Gabriel Penagaricano and Rafael
14 Barreto-Sola.

15 THE COURT: Thank you.

16 Certain individuals that I requested be present, if
17 they're not here and there's someone who is here for them,
18 please let me know.

19 From the Office of the Governor, Ms. Maria Del Mar
20 Ortiz. Are you here?

21 MS. ORTIZ: Yes.

22 THE COURT: Thank you.

23 Mr. Volckers, are you here?

24 MR. VOLCKERS: Present.

25 THE COURT: Thank you.

1 From the Office of Management and Budget, Mr. De
2 Jesus, are you here?

3 MR. DE JESUS: Good afternoon, Judge.

4 THE COURT: Thank you.

5 Ms. Canales?

6 MS. CANALES: Here, Your Honor.

7 THE COURT: Thank you.

8 From the Financial Oversight and Management Board,
9 Mr. Amaury Rodriguez, are you here?

10 MR. RODRIGUEZ: Yes, Your Honor.

11 THE COURT: From PRITS, the Puerto Rico Innovation
12 and Technology Service, Ms. Martinez-Ortiz, are you here?

13 MS. MARTINEZ-ORTIZ: Present, Your Honor.

14 THE COURT: Thank you.

15 From the General Services Administration, Mr. Edgardo
16 Gonzalez. Are you here?

17 MR. GONZALEZ: Present.

18 THE COURT: Thank you.

19 From the Office for the Administration and
20 Transformation of Human Resources, Mr. Cartagena. Are you
21 here?

22 MR. CARTAGENA: Present, Your Honor.

23 THE COURT: Thank you.

24 From the Department of Public Safety, Secretary
25 Torres?

1 SECRETARY TORRES: Here, Your Honor.

2 THE COURT: Thank you.

3 Mr. Riviere.

4 MR. RIVIERE: Good afternoon, Judge.

5 THE COURT: Thank you.

6 Mr. Garffer, are you here?

7 MR. GARFFER-CROLY: Present, Your Honor.

8 THE COURT: Thank you.

9 Mr. Colon, the IT Office director?

10 MR. COLON: Present.

11 THE COURT: Thank you.

12 Mr. Puig? Is there anyone here for Mr. Puig?

13 (No response.)

14 THE COURT: I guess the others can cover for him.

15 From the Puerto Rico Police Bureau, Commissioner --

16 Antonio Lopez, Colonel Lopez.

17 COLONEL LOPEZ: (Stood up and raised hand.)

18 THE COURT: Thank you.

19 Captain Figueroa?

20 CAPTAIN FIGUEROA: (Stood up and raised hand.)

21 THE COURT: Thank you.

22 Mr. Jose Vazquez of the Office of the Reform Counsel?

23 MR. VAZQUEZ: Here, Your Honor.

24 THE COURT: Thank you.

25 Mr. Juan Carlos Rivera, IT Bureau director?

1 MR. PENAGARICANO: Your Honor, Juan Carlos Rivera was

2 --

3 THE COURT: You may remove your mask, Mr.

4 Penagaricano.

5 MR. PENAGARICANO: Thank you, Your Honor.

6 We filed a motion regarding Mr. Juan Carlos Rivera,
7 the IT director for the Bureau. He is at his daughter's
8 graduation.

9 THE COURT: That's right. I remember now.

10 Is there anybody here instead of him?

11 MR. PENAGARICANO: Mr. Vicente.

12 MR. VICENTE: Caonabo Vicente, present.

13 THE COURT: Your full name, please.

14 MR. VICENTE: Caonabo Vicente.

15 THE COURT: Thank you.

16 Mr. Diaz, the Deputy Director?

17 MR. DIAZ: (Stood up.)

18 THE COURT: Thank you.

19 And from the Federal Monitor's Office, Mr. Romero.

20 MR. ROMERO: Here, Your Honor.

21 THE COURT: Ms. Rodriguez? Denise, are you here?

22 MS. RODRIGUEZ: (Stood up and raised hand.)

23 THE COURT: Counsel Abesada?

24 MR. ABESADA-AGUET: Good afternoon, Judge.

25 THE COURT: Thank you.

1 From the Office of the Special Master, Dr. Del
2 Carmen, are you here?

3 DR. DEL CARMEN: Good afternoon, Your Honor.

4 THE COURT: Thank you.

5 Mr. Petrowski?

6 MR. PETROWSKI: (Stood up.)

7 THE COURT: And Mr. Loeffert?

8 MR. LOEFFERT: Good afternoon, Your Honor.

9 THE COURT: Okay. Thank you.

10 Anybody here that I did not mention?

11 MR. BARRETO-SOLA: Yes, Your Honor.

12 THE COURT: You may remove your mask.

13 MR. BARRETO-SOLA: Pedro Santiago, he is the legal
14 advisor to the Commissioner, Police Commissioner; and also
15 Miguel Candelario, who is the head of the legal division of
16 the Department of Public Safety.

17 THE COURT: Thank you.

18 Okay. All right. I think we should go through how
19 we have done this in the previous status conferences. I
20 understand -- Mr. Romero, I understand that you have shared
21 your notes of what will be discussed today with the parties.
22 Mr. Romero.

23 MR. ROMERO: That's correct, Your Honor.

24 THE COURT: Please approach the podium.

25 Now, when I said "the parties," did you share with

1 only the attorneys or with anybody else?

2 MR. ROMERO: With the attorneys, who provided -- they
3 provided to PRPB as well.

4 THE COURT: Okay. All right. The first item that
5 should be discussed is an item that I think is extremely
6 important, is information technology. There's a stipulation
7 as to that that I approved on April 18.

8 Go ahead, Mr. Romero.

9 MR. ROMERO: On April 12, 2022, the United States
10 Department of Justice and the Commonwealth of Puerto Rico
11 filed an amended joint stipulation with the court.

12 THE COURT: That was the one that was approved on
13 April 18.

14 MR. ROMERO: Correct.

15 This stipulation provided the framework to support
16 PRPB in conducting an information technology needs assessment
17 and action plan. The monitor's office, along with the special
18 master, concurred with the stipulation.

19 The stipulation was filed at the direction of the
20 Court and required that a plan be developed which would assist
21 PRPB in implementation of an information technology system as
22 required by the agreement. The stipulation identified
23 timeline requirements, and, for some, the deadlines had
24 passed. One relates to the establishment of an executive
25 level IT planning committee. The other relates to the parties

1 and monitor discussing and reaching agreement on a process,
2 methodology, and approach by April 15 of 2022, or 20 days from
3 the Court's approval of the amended joint stipulation, and the
4 Commonwealth selection of a vendor to conduct the IT needs
5 assessment by May 15 of 2022.

6 In addition, Your Honor --

7 THE COURT: Well, wait a minute. Has the executive
8 level IT Planning Committee been formed?

9 MR. ROMERO: Yes, Your Honor.

10 THE COURT: Are they -- are they operational?

11 MR. ROMERO: Yes. I think the PRPB was prepared to
12 speak on that issue.

13 THE COURT: Okay.

14 MR. ROMERO: In addition, Your Honor, there are
15 future timelines that will need to be met for the Commonwealth
16 to be in compliance with the approved court stipulation. They
17 include the Commonwealth conducting an IT needs assessment and
18 completing a draft report by October 1st of 2022; the
19 collaboration period to finalize the needs assessment and
20 provide framework for acts -- to the action plan by November
21 1st of 2022; the parties and the monitor to approve the IT
22 needs assessment by November 15 of 2022; the Commonwealth to
23 develop a draft IT action plan for review by January 15 of
24 2023; a collaboration period to finalize IT action plan by
25 February 15 of 2023; the parties and the monitor to approve

1 the IT action plan by March 15 of 2023.

2 Your Honor, the monitor's office respectfully
3 requests the Court allow the parties an opportunity to comment
4 on these requirements and timeframes.

5 THE COURT: Okay. I'll hear from Mr. Penagaricano or
6 Mr. Barreto first.

7 MR. PENAGARICANO: Thank you, Your Honor.

8 Well, yes, we concur with the statement from the
9 monitor. So far all of the timelines that have occurred so
10 far of the stipulation and the Order which incorporates the
11 stipulation have been fully met.

12 THE COURT: Well, the monitor just said that some of
13 the deadlines have passed. Does that mean that those
14 deadlines have been complied with?

15 MR. PENAGARICANO: Yes. They have been complied
16 with. I don't think there's anything outstanding regarding
17 the IT Order.

18 Currently, Your Honor, the parties, not only the
19 Commonwealth, but together with the monitor, the special
20 master, and the plaintiff, the U.S. DOJ, were currently
21 exchanging drafts with this vendor, which is Gartner, which is
22 to complete the needs assessment plan by October the 1st. I
23 think contracts are in a fairly advanced stage. They should
24 be finalized within maybe a week, maybe ten days, and they
25 will get right to work. And they have until October to

1 complete that process.

2 The idea, Your Honor, is that all parties in this
3 case, not only the Commonwealth, will be fully working
4 together with the vendor towards that needs assessment plan,
5 including the executive IT Committee that was referred.

6 THE COURT: Okay. The monies that are needed for --
7 to complete an information technology plan and put it into
8 effect is going to cost a lot of money. Are there funds for
9 that?

10 MR. PENAGARICANO: Well, as part of the negotiation
11 with this vendor, Gartner, we don't know yet what's going to
12 be the fee for this needs assessment plan that needs to be
13 ready for October. I think we will know that at some time
14 next week. But the idea, Your Honor, as I think you have been
15 made aware, is that the contracting of this vendor will occur
16 through the office of the monitor.

17 THE COURT: Yes. And the money -- the monitor's
18 budget is being used for this.

19 MR. PENAGARICANO: Correct. And the idea for this
20 next fiscal year is that whatever the fee is going to be for
21 this vendor will be added to the monies that are going to be
22 deposited for the next fiscal year. And regarding the work
23 that will occur by this vendor before the commencement of the
24 next fiscal year, as we have discussed with the monitor, I
25 think funds are already available for them to be deployed

1 towards the work from this vendor even before the next fiscal
2 year starts.

3 THE COURT: So I can expect that sufficient funds
4 will be available during the next fiscal year to pay for
5 whatever the -- Mr. Gartner has -- whatever his contract fee
6 is?

7 MR. PENAGARICANO: That is correct.

8 THE COURT: And that has to be done by March 2023,
9 which is two and a half months --

10 MR. PENAGARICANO: Well --

11 THE COURT: Almost at -- fiscal year 2023 starts on
12 June 1st.

13 MR. PENAGARICANO: July 1st.

14 THE COURT: July 1st. So this would be done two and
15 a half months before the end of next fiscal year?

16 MR. PENAGARICANO: Right. By March, 2023, Your
17 Honor, is -- not only the needs assessment plan that needs to
18 be ready by October, but the actual action plan, to
19 actually -- the plan to implement what needs to be done to fix
20 the problem. That has to be ready by March, 2023.

21 THE COURT: Okay. That's the action plan.

22 MR. PENAGARICANO: Right.

23 THE COURT: But the -- putting that plan into
24 operation, have you discussed with Mr. Gartner or with anybody
25 else as to how long it will take to put that plan into

1 operation until we have, you know, what everybody wants with
2 information technology?

3 MR. PENAGARICANO: Yeah. No. No, Your Honor. We
4 have not gone to that part yet, as we are dealing with the
5 needs assessment part first, but it's certainly a conversation
6 that will ensue soon.

7 THE COURT: In my view, and I think the view of just
8 about everybody else here, if -- moving this case forward,
9 this reform case forward is going to depend on information
10 technology for -- you know, everything that has to be done for
11 information technology, so that reports can be done correctly,
12 and in the correct manner, with technology and the like.

13 All right. Mr. Saucedo, anything on behalf of the
14 United States on this issue?

15 MR. SAUCEDO: Yes, Your Honor. Good afternoon.

16 Since the last status conference in March -- on March
17 24th, the parties have been engaged in discussions with the
18 monitor to determine the scope of this project. And what
19 we've decided is that this would have -- this would be a
20 three-phased project with five steps. And, Your Honor, the
21 items you've raised are contemplated in that planning.

22 So the three phases are the diagnostic and directions
23 phase, and that's where we're currently in. And that needs to
24 be completed by October 1st, 2022. That should include the IT
25 needs assessment, and that includes the initial project

1 management and the current state assessment of where PRPB is
2 today with its information technology systems.

3 The second phase of the project is the strategic
4 action planning. That responsibility will fall on the
5 Commonwealth, because they will need to then take the IT needs
6 assessment and develop an action plan. They need to identify
7 priorities. We know that this is going to be a huge cost and
8 a huge undertaking, and that it cannot all be done at once,
9 but part of the IT needs assessment is to first identify
10 critical needs, things like radios, critical infrastructure
11 dealing with servers that we've talked about before. So the
12 Commonwealth will need to prioritize those needs, ensure that
13 there's sufficient funding to address those needs, but then
14 there's going to be a long term planning that's going to be
15 needed to make the IT systems work. That second phase should
16 be completed by March of 2023, in accordance with the Court's
17 approval of the stipulation.

18 Your Honor rightly talked about execution. That is
19 the third phase. Execution of that strategic plan with the
20 priorities built in and with funding and people responsible
21 for overseeing implementation. It is true, Your Honor, and we
22 agree with Mr. Penagaricano that those details need to be
23 worked out, but we do need to get the IT assessment done. We
24 have those steps outlined. We do need to move on to the
25 strategic planning. We have details of how we're going to

1 work through that, Gartner, or the vendor we select.

2 Tentatively, we selected Gartner jointly. They will
3 conduct the IT needs assessment, and they will stay on board
4 to help develop the IT strategic and action plan.

5 THE COURT: Will they be on board for the execution
6 or is that something else?

7 MR. SAUCEDO: I think we need to build ourselves some
8 flexibility. I'm hopeful, in the next year, PRPB is able to
9 build its own capacity to manage these programs. We did talk
10 last time. We talked in January that PRPB counts on 11 IT
11 people, right, and a comparable police department, Los Angeles
12 Police Department, has about 400.

13 So what we're hopeful is that while the IT needs
14 assessment is done, and the strategic planning, that PRPB is
15 also building its own capacity to be able to manage this
16 process going forward, and that's ultimately the hallmark of
17 trying to make this sustainable reform.

18 THE COURT: Mr. Penagaricano, do you think PR --
19 during the execution plan or -- well, actually, with the --
20 during any of these stages, will the Puerto Rico Police Bureau
21 need any assistance?

22 MR. PENAGARICANO: Well, sure, Your Honor, but the
23 stipulation agreed by the parties and object of the Order of
24 the Court covers this process all the way till March, just
25 before the execution. The stipulation does not cover the

1 execution yet, but for sure the idea that design of this
2 process is -- it was going to be an effort of all parties in
3 this case and the monitor to go through the process up to
4 March together in order to be successful.

5 So that's the original idea. That's why everybody's
6 involved.

7 THE COURT: When you say "all parties," including the
8 monitor, are you including the special master?

9 MR. PENAGARICANO: Yes.

10 THE COURT: Okay. All right.

11 Okay. So, Mr. Romero, any comments on what we've
12 heard from -- well, wait a minute.

13 Mr. Saucedo, you said there were three stages and
14 five steps. What are the steps and where in the stages do
15 they belong?

16 MR. SAUCEDO: Yes, Your Honor. So the three phases
17 are diagnostics and direction --

18 THE COURT: Yes, diagnostics and direction, strategic
19 action plan, and execution.

20 MR. SAUCEDO: That's correct. The five steps -- the
21 first step is initiation and project management, and those are
22 the details that we're working out now with the vendor. The
23 vendor did provide worksheets for all of the interviews they
24 need to conduct, the systems they need to review, the units
25 they need to go visit. That all is being compiled currently,

1 and it's a joint effort by PRPB, the United States, and the
2 monitor to combine that information.

3 The vendor will then use that to scope out the
4 project, finish the estimate, the cost estimate that needs to
5 be submitted. And then the only difference, Your Honor, from
6 our original planning is that the oversight -- the contract
7 will be managed through the monitor's office rather than
8 through the Commonwealth, for the IT needs assessment part
9 only. We think --

10 THE COURT: Well, is that because the money's coming
11 from the monitor?

12 MR. SAUCEDO: Well, Your Honor, it's in part due to
13 making this fly faster, so that we can meet the timeframes
14 that are in the stipulation, but, Your Honor, it would
15 facilitate payment. There is -- the monitor has notified us
16 that there is surplus funding that could be used right away to
17 get them started in June. Once they're on board and there's a
18 contract in place, they can get started this fiscal year. And
19 the monitor would then have to reflect in its next fiscal year
20 budget whatever additional cost is needed to complete that
21 project.

22 THE COURT: Okay. Mr. Romero, any further comment on
23 this?

24 MR. ROMERO: Your Honor, we're working with the --

25 THE COURT: Please, we need for you to approach the

1 microphone.

2 MR. ROMERO: Sure. Your Honor, all I have to do at
3 this point regarding that issue is we're working with the
4 parties to move this process forward.

5 THE COURT: Okay. All right.

6 Dr. Del Carmen, your comments on this, and especially
7 if you and your team can assist in any way to comply with the
8 stipulation that has been approved by the Court.

9 DR. DEL CARMEN: Good afternoon, Your Honor, and
10 thanks for the opportunity to offer our comments.

11 THE COURT: Mr. Penagaricano has already said that
12 you may -- that when he says parties, it includes the special
13 master, but I want to know how can you -- if knowing that
14 Mr. Gartner is on board, how can you assist in any way in
15 getting this stipulation done with the deadlines that there
16 are?

17 DR. DEL CARMEN: Your Honor, I hate to be the spoiler
18 of good news, but we have not been involved in this process.
19 I'm afraid that's not accurate. My office, our office, and I
20 just conferred with my colleagues, have not been privy to some
21 of the components that are taking place right now.

22 We did see the draft before it was submitted to the
23 Court. We offered our opinion. We believe it is a strong
24 draft. But since then we have not been in communications, nor
25 have we been invited nor privy to any of the meetings.

1 I will tell you, however, that this particular IT
2 component, it reminds me of the fact that this case is unique
3 in the United States in the sense that it had four years of
4 capacity building, which was actually extended. During those
5 four and a half years or five years, I think many of us
6 believe that not enough was done to have the capacity that it
7 should have. In other words, these conversations about the
8 lack of IT, lack of personnel, lack of data, should not be
9 taking place given those years that took place. I'm afraid
10 this may happen again with regard to this plan.

11 The way my office can help, and we can help, is by
12 helping out the Police Department right now begin the process
13 of that capacity building that the government alluded to or
14 attested to, because we believe that that needs to happen
15 almost immediately, as soon as all of these phases end.

16 THE COURT: Would that entail coordinating with
17 Mr. Gartner?

18 DR. DEL CARMEN: Yes, sir, absolutely, and the
19 parties as well, and the monitor.

20 THE COURT: No, I understand, but because Mr. Gartner
21 is like the number one guy in this, I was just wondering if
22 you and your team would be able to assist Mr. Gartner in
23 whatever it is that he has to do.

24 DR. DEL CARMEN: Yes, sir.

25 THE COURT: Throughout?

1 DR. DEL CARMEN: Absolutely.

2 THE COURT: All right.

3 MR. SAUCEDO: Your Honor, if I may be heard on this
4 issue?

5 THE COURT: Yes.

6 MR. SAUCEDO: I do want to point out, and Dr. Del
7 Carmen is correct, that we did share with him the draft
8 stipulation on IT planning. He did have a chance to review it
9 and okay it before it was filed with the Court.

10 I do note, Your Honor, that -- and the Order the
11 Judge issued on the stipulation specifically indicates that
12 the Commonwealth, PRPB, the United States, and the monitor are
13 going to reach agreement on the scope of work, on the
14 selection of the vendor, and on the implementation of the
15 plan. So we've complied with Your Honor's Order.

16 THE COURT: What do you want? You don't want Dr. Del
17 Carmen around?

18 MR. SAUCEDO: I'm not saying that we don't want Dr.
19 Del Carmen around. We do. We do need his assistance in this
20 case.

21 THE COURT: Well, that's what I'm saying.

22 MR. SAUCEDO: But, Your Honor, we do want to avoid
23 duplicity.

24 THE COURT: There's not going to be any duplicity,
25 and I'm sure that Dr. Del Carmen is not going to do things

1 | that are already done. But if there's something in which he
2 | can assist, then he'll be there.

3 | MR. SAUCEDO: Yes, Your Honor.

4 | THE COURT: I don't -- obviously there's no room for
5 | any duplicity in any of this, but if Dr. Del Carmen and his
6 | team can assist Mr. Gartner, the Police Bureau, or the
7 | monitor, I'm going -- I want him to do that. We've got to
8 | move this thing forward.

9 | MR. SAUCEDO: (Nodding head up and down.)

10 | THE COURT: Okay. Anything else on information
11 | technology?

12 | MR. SAUCEDO: No, Your Honor.

13 | THE COURT: All right. How about, Mr. Romero, use of
14 | force?

15 | MR. ROMERO: The next area, Your Honor, is interim
16 | use of force planning. On April 13 of 2022, the Commonwealth
17 | admitted to the Court the PRPB provisional use of force plan.
18 | This plan was developed by PRPB, and provided to the U.S. DOJ
19 | and the monitor's office for comments and recommendation prior
20 | to submission.

21 | Your Honor, this was a plan that was developed in the
22 | interim after the needs assessment. We believe that a more --
23 | a permanent plan will be developed as to how use of force is
24 | captured, the information and the data, but, in the interim,
25 | we needed a plan in order for US -- for PRPB to be able to

1 provide the monitor's office with valid use of force numbers
2 for purposes of compliance and review.

3 In its submission, the Commonwealth agrees to the
4 following: To provide a status update to US DOJ and the
5 monitor's office on implementation on the provisional use of
6 force data plan every 30 days.

7 THE COURT: Has that happened?

8 MR. ROMERO: Yes. We've been in touch with them as
9 to where we are with the plan, and that has happened.

10 THE COURT: Are you satisfied with what they
11 provided?

12 MR. ROMERO: Yes, Your Honor. We worked with DOJ on
13 the plan. We made a number of recommendations to the interim
14 plan, and that was adopted into the plan. The Commonwealth
15 agreed to the following: To provide a status update every 30
16 days. PRPB also agreed to provide both the US DOJ and the
17 monitor's office copies of any directed issue. We know, in
18 connection with the use of force plan, there will be
19 directives, and we want them provided to us so we can review
20 them as well before they go out. Implementation of the
21 provisional use of force data plan within ten days of being
22 issued. PRPB also agreed to submit to the US DOJ and the
23 monitor any proposed directives related to use of force plan
24 for review and approval. We all agreed that if the directive
25 needed -- in order to make this plan work, we needed to look

1 | them over, as well as DOJ, and come to a consensus that in
2 | fact, within the directive, it's consistent with what is
3 | needed.

4 | Your Honor, the monitor's office respectfully
5 | requests the Court allow the parties an opportunity to comment
6 | on the implementation status on the use of force plan as
7 | submitted to the Court.

8 | THE COURT: Have you provided the comments to the use
9 | of force plan?

10 | MR. ROMERO: Excuse me. We have --

11 | THE COURT: You have?

12 | MR. ROMERO: When the plan was submitted, yes, we
13 | commented and made recommendations.

14 | THE COURT: Was that the subject of the stipulation?

15 | MR. ROMERO: Stipulation -- we'd work on a plan to
16 | develop a plan, yes.

17 | THE COURT: Is the exculpatory data you're receiving
18 | reliable?

19 | MR. ROMERO: Well, that was the issue, Your Honor.
20 | PRPB needed to develop a plan that would provide with
21 | reliable, valid use of force numbers. That has not occurred
22 | yet. But the plan is not fully implemented as well. Once it
23 | is in the period of CRM-7, then we will look to see if that,
24 | in fact, is providing reliable use of force numbers. But it's
25 | going to be a work in progress, Your Honor.

1 THE COURT: Without reliable information, the use of
2 force plan would not be good.

3 MR. ROMERO: What we're seeing, Your Honor, in
4 reviewing, and I've been -- the use of force -- I'm the
5 subject matter expert for use of force as well. What we're
6 seeing is PRPB is correctly investigating use of force.

7 THE COURT: Incorrectly?

8 MR. ROMERO: No, correctly. They are. Supervisors
9 are responding to the scenes. Supervisors are taking
10 appropriate action. This is in general, but what we're seeing
11 -- and, at the same time, the level of force used is
12 consistent with policy, but at this point they don't have the
13 ability to provide that every use of force is being presented
14 to us, because they have no system to ensure that these
15 numbers are accurate.

16 In the absence of that information, that's what's
17 resulting in compliance levels that are less than substantial.
18 But developing a plan to capture use of force numbers, once we
19 know we have the entire universe, we can look at it and make
20 determinations of compliance.

21 THE COURT: So what assistance, if any, does the
22 Bureau need to be able to provide what you need -- what you
23 need?

24 MR. ROMERO: Well, at this point they're implementing
25 the plan. We need to make sure there are steps within the

1 plan to verify certain steps. For instance, everything now is
2 digitized in the sense that all use of force reports since
3 August of last year are, you know, generated into a statement.
4 There's no more paper written.

5 They need to verify that all use of force information
6 is going into the GT system under a reformed PPR 605 1; that
7 the complaint card, which is the initial call as to the
8 incident, the 126 2, is being prepared, and as well as the 605
9 3, which is the supervisor notifying that use of force took
10 place and by how many officers.

11 PRPB needs to develop that all of those fields have
12 consistent information that's consistent with the three, and
13 they are in the process of doing that now.

14 THE COURT: Do they have the sufficient personnel to
15 do that?

16 MR. ROMERO: They do. It's -- quite frankly, the
17 plan now is kind of labor intensive in the sense that it
18 requires certain levels at the central monitor level, at the
19 field level, but we -- the plan, it can work if it's
20 implemented and followed by PRPB. And we can check that, Your
21 Honor. We do that during the course of the reviews for the
22 CMR reports.

23 THE COURT: Mr. Penagaricano, please.

24 MR. PENAGARICANO: Thank you, Your Honor.

25 Led and guided by this Court in January, in the

1 | hearing that we had before you, the problem with the
2 | reliability of data, of the use of force data was identified,
3 | and the Court ordered the parties to sit down and, to the
4 | Commonwealth, to come up with a plan to fix that, and to
5 | submit it to the parties for approval. And that occurred. It
6 | was thoroughly discussed, the plan, and it was conditionally
7 | approved by the parties. It was filed on April the 13th, and
8 | the conditions of that approval are stated in the
9 | corresponding motion, which is basically to be completely
10 | transparent and to involve the parties every step of the way
11 | in implementing that plan.

12 | That plan, as we sit here today, is completely on
13 | pace to fix the problem. There are some directives that had
14 | to be issued to all of the parties of the force, meetings with
15 | the specialized units, the SWAT, and others. All of that is
16 | occurring. The directives were submitted to the parties.
17 | Comments were sent back. There are drafts being circulated as
18 | we speak. In fact, this morning the latest draft of those
19 | directives was circulated to the parties.

20 | In other words, what I'm trying to say is that we
21 | believe that the Commonwealth is on pace to comply with the
22 | conditional plan that has been agreed to by the parties.

23 | THE COURT: Captain Figueroa, do you have sufficient
24 | personnel to execute this plan?

25 | CAPTAIN FIGUEROA: Yes.

1 THE COURT: You do?

2 CAPTAIN FIGUEROA: Yes.

3 THE COURT: Within the time limits imposed by the
4 Court?

5 CAPTAIN FIGUEROA: Yes.

6 THE COURT: All right. Okay.

7 All right. Mr. Saucedo.

8 MR. SAUCEDO: Yes, Your Honor. From the United
9 States' point of view, the policy and the training at PRPB is
10 clear, it is consistent with the consent decree, and that is
11 any time an officer uses force, it must be reported. And
12 force is clearly defined so that there's no question about
13 what force is and is not. And the steps to report that are
14 also laid out in PRPB policy.

15 The problem has been in validating reports coming in
16 directly from the officers, and we're facing two huge
17 challenges.

18 THE COURT: Validated by whom?

19 MR. SAUCEDO: They should be validated -- there
20 should be multiple layers of validation, but the first
21 validation needs to be the first line supervisor. A first
22 line supervisor shows up --

23 THE COURT: Of which we need a whole bunch.

24 MR. SAUCEDO: That's correct, Your Honor. That's
25 correct.

1 The first step in the review of use of force should
2 be the first line supervisor, who goes to the scene and can
3 ask how many officers were present in this incident; how many
4 used force; how many subjects did you use force on?
5 Otherwise, officers will report their use of force, but we
6 want to make -- PRPD needs to make sure that, as an agency,
7 they're correctly counting uses of force and reporting that to
8 the monitor.

9 So the problem has been one of validating the
10 officers' reports that are coming in from the field. So
11 challenge number one, the dearth of first line supervisors.
12 The second challenge is the IT systems have not been set up --

13 THE COURT: Well, let me ask you this.

14 MR. SAUCEDO: Yes, Your Honor.

15 THE COURT: Are you satisfied with the way these
16 reports are being validated?

17 MR. SAUCEDO: Your Honor, we conditionally approved
18 the Commonwealth's plan.

19 THE COURT: Well, forget about the plan. I want to
20 know whether -- I mean, the plan I think is well set out and
21 well written. I mean, it's a good plan, but you have just
22 mentioned that there is a situation or a problem with
23 validating, and what I want to know is that -- if you are
24 satisfied with the way the validating is being done?

25 MR. SAUCEDO: Your Honor, we are satisfied, because

1 PRPB will be using existing resources in its command centers
2 to validate the field reports coming in every day. In
3 addition, they've told us that they are going to require that
4 their statistics division, of which -- that belongs to the
5 field operations is also going to have a role in validating
6 the use of force numbers that are coming in.

7 There's always going to be a lack --

8 THE COURT: Well, that concerns me. If there's no
9 one -- if there are no -- if there are no sufficient front
10 line, first line supervisors to do what you just said that
11 they should be doing, how is this going to be reflected all
12 the way up at the command center?

13 MR. SAUCEDO: Well, Your Honor, this is precisely our
14 concern, and why we couldn't agree to this plan as the plan.
15 It's a provisional use of force data plan, because we're at
16 the same time trying to fix the IT systems. We just talked
17 about that.

18 The next item we're going to talk about is
19 supervision. So while we try to fix those things, we've put
20 together a provisional plan in place that relies on
21 existing -- other supervisors to fill in to then validate
22 those numbers. There are some supervisors --

23 THE COURT: That's why I'm concerned as to whether
24 this validation system is satisfactory to you. I mean the
25 execution of it.

1 MR. SAUCEDO: Your Honor, we conditionally approved
2 this, and one of the conditions is that we get monthly
3 briefings. And we did get one this week. The monitor team
4 and DOJ visited Arecibo, the area command in Arecibo to look
5 at how the reports are coming in and who's validating those
6 reports.

7 There's still some discrepancies. Directives still
8 need to be issued.

9 THE COURT: But when is that going to be done? I
10 mean, this business of use of force has been going on for
11 years.

12 MR. SAUCEDO: We agree, Your Honor.

13 THE COURT: For years.

14 MR. SAUCEDO: We agree, Your Honor.

15 I think the Commonwealth might be able to address
16 when they're going to issue the directives. We did get the
17 revised directives that we commented on back today. Those
18 need to be issued.

19 People -- our concern was that the Commonwealth not
20 simply order people to report and validate the way it's
21 supposed to be, that the agency provide the resources that are
22 needed to be able to make that happen.

23 THE COURT: Well, Captain Figueroa said he had enough
24 resources. Do you agree?

25 MR. SAUCEDO: I believe that what is needed -- that

1 they do have the resources, for example, to provide the job
2 aides that officers need to be able to report force directly.
3 Command Center supervisors are going to take on new
4 responsibilities in validating use of force, so they need
5 clear directions and job aides to help them get that done.

6 And part of the documents we asked the Commonwealth
7 to provide, which they did this morning, were those
8 supplemental materials that are going to be used to train
9 people to make sure this plan gets implemented.

10 THE COURT: All right. With the lack of first line
11 supervisors, I am really concerned that these validations are
12 being done up at the Command Center level, so I need for the
13 Bureau, and the Monitor, and you to provide me all validations
14 -- all validations during the month of June. I want to see
15 what those validations look like.

16 All right. Now, you mentioned statistics.
17 Statistics --

18 MR. SAUCEDO: Your Honor, there is a statistics
19 division.

20 THE COURT: There are lies, there are damn lies, and
21 there are statistics. So go ahead.

22 MR. SAUCEDO: Your Honor, the plan that was provided
23 by the Commonwealth includes not just validation from the
24 Command Center supervisors, but also the force -- the
25 statistics division that's assigned to the field operations

1 | superintendency. Again, this is a provisional plan. We know
2 | that it is not going to be perfect.

3 | THE COURT: Well, that's why I want to see it. I
4 | want to see how the provisional plan is working.

5 | MR. SAUCEDO: Yes, Your Honor. So do we. And the
6 | monitor has also played a role in doing field visits this week
7 | while we're on the ground to look and see how this is actually
8 | being implemented.

9 | THE COURT: Okay. So what is the function of these
10 | statistics vis-a-vis the validation?

11 | MR. SAUCEDO: Your Honor, I would defer to the
12 | Commonwealth to provide an explanation of their role in this
13 | process.

14 | THE COURT: Mr. Penagaricano.

15 | MR. PENAGARICANO: Well, as to this specific detail,
16 | I would ask Captain Figueroa to provide input.

17 | THE COURT: Right, because if I want validations --
18 | every validation in June to be provided to me by the end of --
19 | let's say by July 15, for the month of June, what role do
20 | statistics have in this validation, if any?

21 | Captain Figueroa, please.

22 | CAPTAIN FIGUEROA: Your Honor, if I may be allowed to
23 | explain the process briefly?

24 | THE COURT: Yes, please.

25 | CAPTAIN FIGUEROA: Once the use of force report is

1 | done, which is done by the agent who is in the precinct or the
2 | station, what begins that report is a complaint card. And
3 | what does that complaint card entail? It has a field that
4 | indicates: Was there use of force? Yes or no.

5 | And the problem that we've had in the process is
6 | there may be an agent who will indicate that there was no use
7 | of force, however, two minutes later, he's completing an use
8 | of force report. So that brings a difficulty that the
9 | dashboard that was done on the realtime statistics will not
10 | identify that use of force, because on the complaint card, it
11 | was identified that there was no use of force. And so that's
12 | where it comes to play.

13 | And I do acknowledge your concern that -- we are
14 | aware, and so we are aware and the Department of Justice is
15 | also aware that we do have a problem, and it entails a lack of
16 | supervision, supervisory personnel, and that's why we have a
17 | provisional plan. And how does this provisional plan address
18 | these statistics? The Command Center supervisor is the one
19 | who's going to identify through the systems these deficiencies
20 | they have just identified that have been -- that I just
21 | explained that have been identified by them.

22 | So every day not only the Command Center supervisor
23 | will verify them, but also the field statistics personnel will
24 | identify them -- verify them. Correction. That allows us to
25 | take action towards that agent who did not correctly identify

1 the use of force on the complaint card, and that would allow
2 us daily to observe truly how much use of force there had been
3 during a work shift.

4 And it is provisional, because the ideal thing is for
5 the sergeant who is at the district or the precinct to do so.
6 And so if -- to comply with the request, it would be to look
7 at the month of June, see how many there were, and how they
8 were corrected, to make sure that the plan is working.

9 THE COURT: All right. Thank you. That's exactly
10 what I need.

11 CAPTAIN FIGUEROA: (Nodding head up and down.)

12 THE COURT: The validation and what the Command
13 Center supervisor and the statistician, what their role is,
14 and what they have done with each report of use of force.

15 CAPTAIN FIGUEROA: (Nodding head up and down.)

16 THE COURT: Can that be done, Captain Figueroa?

17 CAPTAIN FIGUEROA: Yes.

18 THE COURT: All right. Let's do it for the month of
19 June, just to see how this provisional system is working, and
20 see if we have -- you know, if you -- if you or anybody else
21 notice that the provisional plan has to be amended or changed
22 in any way, however little, please include it in your report
23 for June, okay?

24 CAPTAIN FIGUEROA: We will do so.

25 MR. PENAGARICANO: We will submit it.

1 THE COURT: Okay. Thank you.

2 Dr. Del Carmen, anything on use of force?

3 DR. DEL CARMEN: Just a brief comment, Your Honor.

4 We obviously feel that data is important and that validation
5 of data is even more important. Generally, when we approach
6 these type of components in place in reform agreements and
7 also across the U.S. on research, we always come up with a
8 plan, which it sounds like they've done.

9 We always look for resources. We look for personnel.
10 We also make sure that the personnel is well trained. We also
11 -- and it seems to me like, aside from the technological
12 challenges, the challenge here may be something related to
13 accountability and oversight, both of which are directly
14 related to the presence of supervisors, as per Your Honor's
15 comments.

16 So it would be interesting to see what the month of
17 June produces in terms of data, but I will tell you, Your
18 Honor, that nothing is valid until the data is validated. We
19 often use the comment in lay terms "garbage in, garbage out."
20 If your data is not accurate, none of the implications, none
21 of the stipulations are ever going to be accurate. So thank
22 you, Your Honor.

23 THE COURT: All right. Okay.

24 All right. Once this report that I want for the
25 month of June is prepared, I would like, Mr. Saucedo, your

1 people --

2 MR. SAUCEDO: Yes, sir.

3 THE COURT: I want the monitor and I want Dr. Del
4 Carmen to take a look at it and provide whatever comments you
5 may have. After -- obviously you have to discuss it with
6 Captain Figueroa or whatever once it is received.

7 MR. SAUCEDO: (Nodding head up and down.)

8 THE COURT: And if you have any suggestions on what
9 to do after you see a month's worth of use of force
10 submissions, and you see the validations for each of those
11 submissions, then you will be in a better position to --
12 everybody, I mean, Mr. Romero, you, Dr. Del Carmen, will be
13 able to -- and Sergeant -- and Captain Figueroa himself, will
14 be able to see if this provisional plan is working to
15 everybody's liking, or whether it needs some sort of tweaking
16 here and there.

17 Is that okay?

18 MR. SAUCEDO: Yes, Your Honor.

19 THE COURT: Okay. Captain Figueroa, is that okay
20 with you?

21 CAPTAIN FIGUEROA: Yes.

22 THE COURT: Mr. Penagaricano?

23 MR. PENAGARICANO: Just a brief comment. Your Honor,
24 I think -- respectfully request, instead of 15 days after the
25 end of June to submit that, maybe afford the Commonwealth 30

1 | days, only because I've been told that in order to provide all
2 | validations covering until June 30th, there are some timelines
3 | of the validation, five days, three days, et cetera, so it's
4 | going to be too short to actually --

5 | THE COURT: Okay. Any problem with that, Mr. Romero?

6 | MR. ROMERO: No, Your Honor.

7 | THE COURT: Dr. Del Carmen?

8 | DR. DEL CARMEN: No, Your Honor.

9 | THE COURT: Mr. Saucedo?

10 | MR. SAUCEDO: No, Your Honor.

11 | THE COURT: All right. Then by the last --

12 | MR. PENAGARICANO: July 31st.

13 | THE COURT: Well, July 31st I think is a Sunday.

14 | MR. PENAGARICANO: Okay.

15 | THE COURT: So by the last duty day in July.

16 | MR. PENAGARICANO: Will do. Okay. Thank you.

17 | THE COURT: All right.

18 | MR. ROMERO: Your Honor, if I may, CRM-6, what we did
19 | during the mid period, three months into the year, into the
20 | fiscal -- the period for CMR-6, we did just that. We wanted
21 | to test the system. We looked at the GT system, and we pulled
22 | out what was on the complaint card, what was on the use of
23 | force report submitted into the system, as well as the
24 | notification of use of force. And we had conversations with
25 | the Captain and Jose about the issues that we observed.

1 From that -- from that, we were able to then develop
2 this interim use of force plan and, as correctly stated by
3 Attorney Saucedo, we said, this needs to be a temporary plan,
4 because two years from now your use of force plan will be
5 totally different than it is now. But we have to make sure
6 this works now. We have to provide to the public numbers that
7 are consistently accurate as it relates to use of force.

8 That being said, this system can work. It's labor
9 intensive, but I say when -- there are so many layers of
10 people that have to look at it to make it work, but it can
11 work, so if you would order -- which is something we would
12 have done anyway, mid period of CRM-7, is take a particular
13 month, which is exactly what you did, is something we would
14 have done as well, and that would give us an indicator just
15 where -- is the plan working, and we'll know what we should do
16 by then.

17 THE COURT: Well, I'm glad, because that tells me
18 exactly what I should know.

19 MR. ROMERO: Thank you, Your Honor. Thank you very
20 much.

21 THE COURT: All right. The next topic is a topic
22 that everybody is -- everybody is concerned with, and it's
23 staffing and supervision.

24 MR. ROMERO: Yes, Your Honor.

25 THE COURT: Mr. Romero?

1 MR. ROMERO: Your Honor, on April 13 of 2022, the
2 United States Department of Justice and the Commonwealth of
3 Puerto Rico filed a joint stipulation on the issue of staffing
4 and supervision within the Puerto Rico Police Bureau with the
5 Court. This stipulation provided a framework for
6 implementation of paragraph 13 of the agreement regarding the
7 allocation of sworn personnel at PRPB, and paragraphs 135
8 through 140 regarding the deployment of supervisors to ensure
9 close and effective supervision in the field.

10 The monitor's office, along with the special master,
11 concurred with the stipulation. The stipulation was filed at
12 the direction of the Court, and required that a plan be
13 developed which would assist PRPB in its endeavor. The staff
14 included the following: The Commonwealth would submit a
15 proposal to the monitor and U.S. DOJ for any updates it
16 intends to make to the 2018 staffing plan, a timeline,
17 including dates for completing any updates to the 2018
18 staffing plan, and providing that information within 90 days
19 of the Court approval of this joint stipulation, implementing
20 any aspects of the 2018 staffing plan, the names and roles of
21 individuals responsible for implementing any aspect of the
22 2018 staffing plan, the establishment of executive level
23 implementation committee, Commonwealth compliance with the --
24 I'm sorry. Let me just -- establishment of an executive level
25 implementation committee, Commonwealth compliance with its

1 requirement to file a staffing plan update proposal with the
2 Court by May 4th, 2022. Going forward, other stipulations
3 related to relevant future dates and obligations, which
4 include every 90 days the Commonwealth shall submit to the
5 Court a status report on whether they have met the deadline
6 and benchmark set forth in the staffing plan, availability for
7 inspection of supporting documentation to verify compliance, a
8 timeline for the next 90 days, which must be submitted to U.S.
9 DOJ, the monitor for approval, identifying when the steps
10 outlined in its staffing plan will be completed.

11 In addition, the topic of the supervision plan
12 includes updates on the following: What is the status of the
13 promotional exams; what is the plan to redeploy sergeants to
14 the field due to staffing shortages; what is the plan for
15 civilianizing positions within the PRPB; what is the status of
16 the regulation law permitting 18 years olds to become members
17 of the PRPB; what is the status of PRPB coordinating with
18 universities to offer courses leading to associate's degrees
19 required by the agreement; what is the status of the career
20 path policy; what is the status of promotional protocol
21 implementation?

22 Your Honor, the monitor's office respectfully
23 requests that the Court allow the parties an opportunity to
24 comment on status of the supervision plan as submitted to the
25 Court.

1 THE COURT: Okay. I have the stipulation, the Order
2 approving the stipulation on staffing and supervision, and it
3 says by April 20, the Commonwealth shall submit a proposal to
4 Monitor and the United States Department of Justice for any
5 update it intends to make to the 2018 staffing plan to ensure
6 compliance with paragraphs 135 to 140 of the agreement in
7 accordance with the approved monitoring methodology. The
8 staffing plan update proposal shall include a timeline for
9 completing any update to the 2018 staffing plan within 90 days
10 of the Court's approval of this joint stipulation, including
11 several matters here.

12 Now, was that submitted to you on April 20,
13 Mr. Romero?

14 MR. ROMERO: The plan?

15 MR. SAUCEDO: Proposal.

16 MR. ROMERO: The proposal was submitted. Yes, Your
17 Honor.

18 THE COURT: Okay. All right. And was the staffing
19 plan update proposal filed with the Court, with the Department
20 of Justice, and the Monitor's approval by May 4?

21 MR. PENAGARICANO: Yes, it was, Your Honor.

22 THE COURT: It was?

23 MR. PENAGARICANO: Yes.

24 MR. SAUCEDO: Your Honor, if I could just address the
25 proposal? What we asked the Commonwealth to provide to both

1 the monitor and DOJ was its proposal to update the 2018
2 staffing plan.

3 THE COURT: Right.

4 MR. SAUCEDO: And that was due on April 20th. That
5 proposal was not submitted on April 20th.

6 THE COURT: No. No. I know.

7 MR. SAUCEDO: Yes.

8 THE COURT: It was supposed to be submitted by May
9 4.

10 MR. SAUCEDO: Well, Your Honor, the proposal was
11 supposed to be submitted to the monitor and DOJ first for
12 comments.

13 THE COURT: Correct.

14 MR. SAUCEDO: And then the final version filed with
15 the Court May 4.

16 THE COURT: Correct. My question is, was it?

17 MR. SAUCEDO: Well, the proposal was not submitted on
18 April 20th. It was submitted a few days later. We did notify
19 the Commonwealth that it had missed that deadline Your Honor
20 referenced in the stipulated order. However, the parties and
21 the monitor did work very hard, and we were still able to work
22 very hard to meet the Court's deadline of May 4th, to meet
23 that proposal. That proposal is supposed to set out the steps
24 the Commonwealth will take over the next 90 days to update the
25 staffing plan.

1 THE COURT: Okay. All right.

2 Dr. Del Carmen, please --

3 DR. DEL CARMEN: No additional comments, Your Honor.

4 THE COURT: I'm sorry?

5 DR. DEL CARMEN: No additional comments, Your Honor.

6 THE COURT: All right. Thank you.

7 MR. SAUCEDO: Your Honor.

8 THE COURT: Yes.

9 MR. SAUCEDO: I just -- I want to emphasize how
10 important it is that we get this right, Your Honor, the
11 staffing allocation. The exercise we want to go through is
12 not just hiring more people, hiring more people.

13 THE COURT: No. You can't do that.

14 MR. SAUCEDO: Yes, Your Honor. That's correct.

15 THE COURT: You have to hire the right people.

16 MR. SAUCEDO: Exactly, Your Honor. We want to make
17 sure that you hire the right people, and that you deploy them
18 where you need them.

19 So the problem, Your Honor, is that the 2018 staffing
20 plan did just that. The Commonwealth made a series of
21 commitments on how it was going to hire, promote, train, and
22 deploy staff to the places where they're needed. Now, that
23 plan wasn't implemented. We now have reached this new
24 stipulation, and we've asked the Court to closely supervise
25 it. And here we are talking about what progress we've made.

1 The first step is to get the staffing plan updated by
2 July of this year. The Commonwealth has reported to us that
3 they've -- that they've instructed each of the division heads
4 to identify current staffing needs, to make sure that those
5 needs are updated. Once they're updated, there is an internal
6 resource committee that is supposed to balance out where you
7 have more people and where you have less people, to try and
8 make up for the disparities that currently exist. So that's
9 the first step.

10 The second step is to then develop a long-term plan.
11 How are we going to hire, promote, and civilianize to fill
12 these positions with competent civil servants who can take the
13 place of officers who are doing administrative work, and to
14 help with the fieldwork that officers do. So that is where we
15 are right now. We are in this 90-day period where the
16 Commonwealth's updating it's 2018 staffing plan.

17 THE COURT: Okay. So I can expect a report on that
18 90 days from May 4th.

19 MR. PENAGARICANO: (Nodding head up and down.)

20 MR. SAUCEDO: That's correct, Your Honor. The
21 staffing -- the final updated staffing plan is to be completed
22 by July 15, 2022, and that will then be filed with the Court
23 for the record.

24 THE COURT: Okay. All right.

25 And Mr. Romero has brought up certain matters under

1 the topic of the supervision plan, and the first one is what
2 is the status of promotional exams.

3 Mr. Penagaricano.

4 MR. PENAGARICANO: Your Honor --

5 THE COURT: And I -- and I want you to focus on
6 promotional exams to the rank of sergeant.

7 MR. PENAGARICANO: Right. Your Honor, of course.

8 Well, the status of promotional exams to the rank of sergeant
9 is explicitly stated in this plan. It is -- on the plan filed
10 on May 14th, docket 2023. There is a timeline, a calendar for
11 sergeant promotions there all the way until December 2022.

12 That was submitted to the parties and approved, and it calls
13 for the promotion of 506 sergeants by the end of this year.

14 THE COURT: The end of this year.

15 MR. PENAGARICANO: That is correct.

16 THE COURT: 506 sergeants in six months.

17 MR. PENAGARICANO: Well, the calendar -- it's right
18 there, Your Honor, in the plan submitted on May 4th. It has
19 several items that have to be complied chronologically for
20 each item all the way up until December.

21 THE COURT: Assuming that you are able to promote 506
22 agents to the rank of sergeant, how will that affect your
23 budget?

24 MR. PENAGARICANO: Well, as recent as the past few
25 weeks, there has been meetings involving the commissioner of

1 the Bureau with the pertinent agencies of the Commonwealth to
2 cover that topic. That's as far as the information we know,
3 but it's been discussed on how -- what is the budget needed in
4 order for this to happen.

5 THE COURT: This is the current budget. If you want
6 to promote people by the end of this fiscal year, you're going
7 to have money in this budget.

8 MR. PENAGARICANO: Not for this fiscal year, Your
9 Honor, but by December, which is the next fiscal year.

10 THE COURT: All right. Okay. All right. So let's
11 assume that -- so you're going to have to find money for the
12 next fiscal year, so that's going to happen for the first six
13 months of the fiscal year.

14 MR. PENAGARICANO: That is correct. We know it's an
15 aggressive plan, but I can assure the Court there are so many
16 things in motion with different agencies and --

17 THE COURT: Well, let me hear from the Office of
18 Management and Budget.

19 MR. PENAGARICANO: Yes. Sure.

20 MR. DE JESUS: Good afternoon, Your Honor.

21 THE COURT: Thank you.

22 MR. DE JESUS: Pedro De Jesus on behalf of the OMB.

23 We started these meetings regarding staffing
24 positions for sergeants in the PRPB. We had a meeting last
25 week with the Fiscal Oversight Management Board regarding

1 previous budgets that will be -- bring out to the budget of
2 the PRPB, the numbers that we are trying to see. It's how
3 we're going to be saving and making those positions. But,
4 nevertheless, the information that we have been provided with
5 is that information has to be confirmed with the FOMB, that --
6 they are present here in this meeting today, on this hearing
7 today.

8 And being that said, the other thing that we're
9 waiting for is for the approval of this Court for the
10 proceedings that the PRPB is going to be making for doing
11 those -- for taking those new positions as sergeant. So in
12 case of the budget, there are conversations right now being
13 made with the FOMB, and in case of the proceedings, we're
14 waiting for the approval of this Honorable Court on the
15 proceedings that the PRPB are going to be doing for those
16 staffing positions.

17 THE COURT: What proceedings?

18 MR. DE JESUS: The proceedings that they're going to
19 be making in six months, taking the time down from the usual
20 time it takes to do those staffings in the PRPB.

21 THE COURT: Okay. So --

22 MR. DE JESUS: So we have to wait for the process,
23 that we, the OMB, only do with the budget, so right now we
24 access that -- maybe FOMB could explain --

25 THE COURT: So what you're looking for is the Court

1 to get involved in reducing the amount of time normally
2 necessary to make these promotions?

3 MR. DE JESUS: There are many situations that have to
4 be addressed, as the consent decree established, so the
5 staffing positions that are going to be made, they have to
6 have the qualifications that Your Honor has mentioned today.

7 THE COURT: Of course.

8 MR. DE JESUS: And those are internal affairs that
9 the PRPB has to address through their attorneys in the process
10 of these hearings, Your Honor.

11 THE COURT: Okay. Thank you.

12 MR. DE JESUS: You're welcome.

13 THE COURT: Who is present here for the Fiscal Board?
14 Fiscal Board.

15 COURTROOM DEPUTY: Yes, Judge. It should be --

16 MS. GUARDIOLA: Good afternoon, Your Honor.

17 THE COURT: You may remove your mask.

18 MS. GUARDIOLA: Elisa Guardiola, budget manager for
19 the Oversight Board.

20 So what we can say is that we received, as part of
21 the fiscal year '23 budget process, a request through the
22 Office of the Management Board, a request for 250 promotions
23 to sergeant, which has an impact of 345,000 dollars for the
24 entire year.

25 THE COURT: They said 506.

1 MS. GUARDIOLA: Right. So I guess that you're
2 missing an additional 250. They are planning on doing the
3 process, the promotion process by the end of December as they
4 have mentioned. So we have to meet and discuss additional
5 funding they need. Certainly use -- around 345,000 dollars.

6 THE COURT: All right. You're probably aware that
7 the PROMESA Statute indicates that the Board cannot exercise
8 authority to impede any territorial action to comply with a
9 Court-issued consent decree.

10 MS. GUARDIOLA: You are right. You're right, Your
11 Honor.

12 THE COURT: I can think of no other way of impeding
13 this consent decree than not funding the police. Am I
14 correct?

15 MS. GUARDIOLA: Yes. You're correct. Yes.

16 THE COURT: Okay. So I think you and the Office of
17 Management and Budget should always be aware that Congress has
18 indicated that you cannot impede a Court-issued consent
19 decree, and for me the only way you can impede it is to not
20 provide the necessary funds to move the consent decree
21 forward.

22 And I think everybody is concerned about the
23 immediate need of sergeants.

24 MS. GUARDIOLA: Yes. We totally understand. And let
25 me explain. We -- and the reason I mention that we have to go

1 back and revisit this is because we act upon their requests.
2 So certainly if they need 500 instead of 250, which was the
3 amount that we were notified during the review process of
4 2023, so definitely now if that's their need, we can sit down
5 and identify --

6 THE COURT: Let's not be timid. If you need 500, ask
7 for it.

8 MS. GUARDIOLA: Right. That's the first thing that
9 needs to happen. We need to understand their needs. If their
10 need is 500, we need to receive the request through the OMB.
11 And we're definitely going to sit down and look for the
12 appropriation.

13 THE COURT: I've heard that figure, 500, for some
14 time. Indeed, I thought -- I think that during the last
15 graduation at the academy, Colonel Lopez mentioned that
16 precise number, that he needed 500 or so more sergeants. And
17 you've heard this -- use of force, the necessity for
18 validating the use of force, and that the first person who
19 should be involved is a sergeant. Now, we have this
20 provisional thing, provisional order, because there aren't
21 enough sergeants, and I understand that not everybody can be a
22 sergeant. You can have an agent who's been around 15, 20
23 years, who perhaps is not someone who you would want as a
24 sergeant, or you can have an agent who's been on the force
25 maybe two or three years that has been already not identified

1 but can be identified as someone who is eligible to be
2 promoted to sergeant.

3 So let me ask you this, because this is something
4 that came up yesterday when I met with the monitor and the
5 special master. There have been at least three fiscal years,
6 2019, 2020, and 2021 where apparently the PRPB has not spent
7 the entire amount of their 20 million dollar budget in each
8 one of those fiscal years.

9 Now, I heard, I don't know if it was you or someone
10 else within the Board, that you have already identified 25
11 million dollars that would be, quote, returned to the police,
12 you know, to -- because some of that money was not spent and
13 maybe was spent by the Commonwealth on something else.

14 MS. GUARDIOLA: Okay. So let me clarify the years.
15 It's fiscal year '18 --

16 THE COURT: Well, wait a minute. Wait a minute.
17 Wait a minute. Because what I've heard is that no one knows
18 what happened to the funds in 2018.

19 MS. GUARDIOLA: No. We -- well, we do.

20 THE COURT: Okay.

21 MS. GUARDIOLA: And I think that the documents that
22 were filed by the Police Department previously that are a part
23 of your orders, it's fiscal year '18, so that's '18 -- well,
24 yeah, '19 -- no.

25 THE COURT: Fiscal year '19 is from July 1, 2018, to

1 June 30, 2019.

2 MS. GUARDIOLA: So it's fiscal year ending '18. So
3 that's June 18. And the remaining funds is 1.9 million, which
4 is exactly the same figure that has been represented by the
5 Police Bureau.

6 During yesterday's call that we had with them, we
7 also clarified that there are an additional 663,000 dollars
8 that were not used and they are going to ask to be returned
9 back to the police reform appropriation. Then they used all
10 their funding, the 20 million, in fiscal year 2019, ending on
11 the '19. And there are some remaining for fiscal year '20,
12 five point -- around 5.1 million. They're also going to ask
13 for those funds to be made available and returned back to the
14 police reform appropriation.

15 So then --

16 THE COURT: So how much in total?

17 MS. GUARDIOLA: And they have '21 and '22 that they
18 asked to be extended. And the letter was issued on the 17th
19 of this week approving their extension, so they will have a
20 total of 25 -- around 25 million available.

21 THE COURT: That would be returned to them.

22 MS. GUARDIOLA: That will be made available to them,
23 because some are available at this point, because they were
24 extended. Seven million are going to be returned back to the
25 police reform appropriation, so they're going to be

1 available.

2 THE COURT: Okay. Do you think, because one of the
3 things that we discussed is whether those 25 million should be
4 used in the next -- all of it in the next fiscal year or
5 staggered throughout, what would be your recommendation?

6 MS. GUARDIOLA: I'm -- what we discussed yesterday is
7 it's up to the Police Bureau how they would like to request
8 them. The seven million, which is the total sum of the '18
9 and '20, are available, and they can ask either as a one time
10 -- right now, they can divide it in three, as it was mentioned
11 at some point. So it's up to them.

12 THE COURT: Okay. All right.

13 MS. GUARDIOLA: The '21 and '22 are already
14 available, and have been extended, so they have the funds.

15 THE COURT: All right. Now, I tasked the special
16 master to go through some expenses that the Police Bureau has
17 been making that appear to be recurrent expenses that may or
18 may not be part of the Police Reform budget, and it's quite a
19 bit of money. For example, over five million dollars in
20 expended disbursed funds, and over 625 million dollars in
21 obligated funds for fiscal year 2019; 2.6 million dollars in
22 expended or disbursed funds; and 1.8 million -- almost 1.9
23 million for fiscal year 2020; two point -- almost 2.8 million
24 and 420 million in obligated funds -- well, 2.8 million in
25 expended disbursed funds, and 400 -- about a little over

1 420,000 dollars in obligated funds for 2021 that appear to
2 have no connection to the police reform case.

3 Have you heard anything about that?

4 MS. GUARDIOLA: Not that I can recall, no.

5 THE COURT: Okay. All right.

6 MS. GUARDIOLA: Or --

7 THE COURT: Yes, ma'am.

8 MS. GUARDIOLA: Or if you have additional information
9 that we can take a look at --

10 THE COURT: Of course you will --

11 MS. GUARDIOLA: Okay. Thank you.

12 THE COURT: You will have, because I've been
13 preparing an Order as to this. And obviously the police are
14 going to have to review each one of these line items --

15 MS. GUARDIOLA: Right.

16 THE COURT: -- and determine whether they are for the
17 police reform or they were -- or they are reoccurring funds or
18 funds that they have to do normally.

19 MS. GUARDIOLA: Okay.

20 THE COURT: I'll give you a -- I'll give you an
21 example. Anibal Bonilla Molina, d/b/a Ana's Catering Service,
22 for lunch and snacks for 90 people, 3,870 dollars budgeted,
23 and the same amount expended or disbursed. Five large size
24 kennels, five health certificates, five air transportation. I
25 guess for canines. 5,900 dollars budgeted and obligated.

1 Those are things that may or may not be appropriate
2 for the use of the reform budget, but what -- I'm going to
3 issue an order as to this, and the police are going to have to
4 go through each one of these line items and let everybody
5 know, Mr. Saucedo, the monitor, Mr. -- Dr. Del Carmen, who
6 prepared -- whose team prepared this, as to whether some of
7 this stuff, because that's what it is, should have come out of
8 the police reform budget.

9 Here's one. Commercial Berrios, Inc., sacks of
10 cement, blocks, stopcocks, nuts, automatic gate closing,
11 Toledo locks, meters of stone, meters of sand, Allure paint,
12 copper rolls, adapters, propane gas, PVC pipes and elbows,
13 budgeted for 34,476 and obligated for that much.

14 El Cometa Hardware Store, versatile screws and white
15 glue. I don't know. I don't know whether that came out of --
16 is necessary for the police reform or not.

17 And what I wanted the police -- is for the police
18 department to tell everybody, because that may be more money
19 that, you know, that they can get, because seeing -- in the
20 precarious financial situation that the Commonwealth is in, we
21 have to look for money under every rock. And I think that --
22 I mean, you've already said, you've got 20 -- you found 25
23 million dollars. That's great. It's up to the police to see
24 how they can -- how they should spend that money, whether all
25 at once in one fiscal year or staggered, whatever they want.

1 And now we're talking about quite a bit of money
2 here, also, so maybe -- I'm giving the police about 90 days to
3 do this. It's a lot. I'm telling you right now,
4 Mr. Penagaricano, it's a lot, a lot of line items. So you're
5 going to -- you know, your people are going to have to meet,
6 and by the end of July, let everybody know whether some of
7 that money can be, quote, returned to the police, especially
8 OMB and the Fiscal Board.

9 MR. PENAGARICANO: If I may, briefly?

10 THE COURT: Yes, sir. Of course.

11 MR. PENAGARICANO: Thank you.

12 Your Honor, the -- I think it's very pertinent,
13 because of Ms. Guardiola's statements regarding the unused
14 funds and the explanations that she gave, to tell the Court
15 that -- the parties have been working in the Court's Order,
16 initially the February 28 Order that gave -- that made time
17 for the filing of March 15, which made the certifications
18 regarding the unused funds, and then the subsequent order
19 after the March 24th hearing that gave 90 days to the parties
20 to actually come up with a final certification under the
21 penalty of perjury as Your Honor requested.

22 THE COURT: Okay. But --

23 MR. PENAGARICANO: And we wanted to convey to the
24 Court that everybody has been working hard to make that
25 happen.

1 THE COURT: I understand.

2 MR. PENAGARICANO: And we will make that filing, and
3 we appreciate the Court's intervention, the budget office, and
4 everybody involved to make that happen.

5 THE COURT: Okay. Because -- and I don't know if it
6 is going to work this way, but, ma'am, you may be able to tell
7 me, this -- what I ordered is for the police to let us know
8 how much monies were not spent during those fiscal years. I
9 don't know if these 25 million will include all that or not,
10 but it may. I don't know.

11 MR. BARRETO-SOLA: Your Honor, if I may please the
12 Court just one second. As a matter of fact, on May 16, a few
13 days ago, we had a very long meeting at our office with
14 personnel from the reform office, specifically with Attorney
15 Luis Hidalgo and Attorney Roberto Abesada in conjunction with
16 Pedro De Jesus, Zulma Canales, Carlos Vazquez, Art Garrfer,
17 Lumari Ojeda, Maritza Torres, Carlos Figueroa, and Pedro
18 Santiago, in addition to both Gabriel Penagaricano and myself.
19 And the purpose for that meeting was actually have the
20 monitor's office go over the documents that have been provided
21 to them, and to ask any questions that they had regarding
22 those documents, specifically about the Order that was issued
23 by the Court about the moneys that had not been spent within
24 the periods delineated by the Court.

25 I have spoken a couple of times with Mr. Hidalgo, who

1 has been very helpful in this matter. And, as a matter of
2 fact, we spoke to him this morning. He was still looking at
3 documents prepared and submitted to him. And we agreed we're
4 going to meet again this week to continue over that process.

5 THE COURT: Okay. When you meet again next week, you
6 will have before you my order as to all these line items, and
7 so whoever you think should be at that meeting, should be at
8 that meeting.

9 Thank you very much.

10 MS. GUARDIOLA: You're welcome.

11 THE COURT: All right. Perhaps we've discussed this
12 already, but the next topic that Mr. Romero has brought up is
13 what is the plan to redeploy sergeants to the field due to
14 staffing shortages.

15 Mr. Penagaricano.

16 MR. PENAGARICANO: Thank you.

17 THE COURT: We have discussed this already, but --

18 MR. PENAGARICANO: Yeah, I think we did. I think
19 Mr. Saucedo explained the logistics of the plan that was
20 submitted on May 4th. But yes, the redeployment of sergeants
21 is explicitly provided for in the plan. To do that, of
22 course, it's there in the plan. Also, if I may touch on the
23 next item, the civilianizing positions, that is also stated
24 there, you know.

25 In sum, the Bureau is actively working on the actual

1 plan to make those redeployments and to have those positions
2 available.

3 THE COURT: Well, let me ask you this. As long as
4 you're on that topic of civilianizing positions, are job
5 descriptions -- do job descriptions have to be established for
6 these positions?

7 MR. PENAGARICANO: I believe so, Your Honor, but I'm
8 going to ask Captain Figueroa to explain.

9 THE COURT: Right. I wanted to hear from him.

10 MR. PENAGARICANO: Because the stipulation requires
11 to have a specific plan by July, and they are working on that
12 both on the redeployment of sergeants with a goal by December
13 and June of next year, and also regarding dispositions, and
14 maybe he can explain in detail what's going on right now.

15 THE COURT: Yes, because it's unclear to me -- for
16 example, you have a sworn officer who is working as a
17 mechanic, just an example, and you want that sworn officer
18 back on the street. Will that position of -- that mechanic's
19 position need to have another job description or is there a
20 job description already present?

21 Who's here with Human Resources? Don't be shy.

22 MR. PENAGARICANO: If we may ask before, have Captain
23 Figueroa briefly explain the process, Your Honor?

24 THE COURT: Okay. Well, what I wanted to hear was
25 from Mr. Cartagena, but Captain Figueroa, go ahead.

1 CAPTAIN FIGUEROA: Yes. With regard to the job
2 description, under Law Eight of 2018, under OATH, which are
3 the civilian employees, it regulates the positions of every --
4 the job descriptions of every position in the government,
5 either civilian -- before the reform process, there was no job
6 description for the system of rank. That changed in 2018 when
7 a manual of job descriptions was established for the ranks of
8 sergeant through colonel.

9 Under the civilian system, there did exist in the
10 police a list under the classification of civilian positions
11 by 2002, and it had a description of duties for all of those
12 positions. Upon the enactment of Law Eight of 2017, the
13 jurisdiction of the job descriptions, all of the government
14 employees, falls below the OATH.

15 And I understand that they developed a job
16 description taking into consideration all of the positions in
17 the government agencies, and if it does not exist in that
18 manual, well, then it needs to be created, because a job
19 description needs to be created for each of the positions.

20 THE COURT: All right. Mr. Cartagena, are you here?

21 You may remove your mask.

22 MR. CARTAGENA: Good afternoon, Your Honor.

23 THE COURT: Good afternoon.

24 Now, Captain Figueroa has said that you have or your
25 office --

1 MR. CARTAGENA: Yes.

2 THE COURT: -- has prepared a manual for positions in
3 the -- civilian positions in the government. Does that
4 include the police?

5 MR. CARTAGENA: Yes, Your Honor. Under the
6 classification and pay plans in the central administration,
7 the ranks system is out of the jurisdiction of our office.
8 However, the civilian positions, we have those classification
9 plans. And to answer your question, yes, they have job
10 descriptions. If those positions are not contemplated in our
11 plan, the police department would submit an application for us
12 to create those positions and those descriptions.

13 THE COURT: So you don't know whether they have
14 submitted whatever it is that has to be submitted for
15 civilian -- what could be a civilian position that is now held
16 by a sworn officer?

17 MR. CARTAGENA: Right now we don't know that. I can
18 talk to the people in my office for further investigation.

19 THE COURT: Okay. Well, what I want you to do are --
20 or not you, but your office.

21 MR. CARTAGENA: Yes.

22 THE COURT: -- is to meet with the Police Bureau,
23 either Captain Figueroa or whoever it is, to go through those
24 positions that could be civilianized in order to have sworn
25 officers that are holding these positions to do what they're

1 trained to do.

2 MR. CARTAGENA: Okay.

3 THE COURT: I think it's important that you meet.

4 And so what I would want is after you meet, I would like --

5 and obviously the monitor can be involved, Mr. Saucedo can be
6 involved.

7 Dr. Del Carmen, is this something that your team can
8 help with?

9 DR. DEL CARMEN: Yes, Your Honor.

10 THE COURT: Okay. And Dr. Del Carmen's special
11 master team can also assist to be able to identify, let's say
12 in the next 90 days, those positions that you haven't already
13 for which you don't have already a description. At least
14 identify those positions, and to the extent that you can,
15 prepare a job description, if needed. I don't know. Maybe
16 the job description exists, and all you have to do is remove
17 the sworn officer and put in -- and put in a civilian. I just
18 don't know, but I'd like to know.

19 Do you understand?

20 MR. CARTAGENA: Yes. Yes, I do.

21 THE COURT: Okay. Mr. Penagaricano?

22 MR. PENAGARICANO: Yes. Well, Your Honor, I do
23 understand, but I respectfully think that we might be getting
24 a little bit ahead of the plan that was submitted, because --
25 because this topic, together with many others on how we are

1 going to fill these civilianizing positions, will -- it's
2 going to be part of the submittal that, under the plan, has to
3 be made by July, so perhaps -- perhaps we should wait until
4 that filing.

5 THE COURT: Include it -- no. Include it.

6 MR. PENAGARICANO: Right. That's what I'm saying.

7 THE COURT: Include it in your July plan. You know,
8 that's -- that's less than 90 days.

9 MR. PENAGARICANO: Right.

10 THE COURT: So if you can -- now, because it's
11 important to know, at least for the time being, what the plan
12 is for civilianizing positions. I'm not saying that you have
13 to civilianize every position by July, but at least please
14 find out what -- what the plan is and what positions are --
15 that are now held by sworn officers can be civilianized. I'm
16 not saying, I'm not saying that you have to go out and start
17 looking for civilians to occupy those positions, but at least
18 we need -- at least I need an idea of, you know, how many
19 positions there are that are being held by sworn officers that
20 could be civilianized, how many of those positions already
21 have some sort of job description, that don't need to be
22 changed, how many of those job descriptions do have to be
23 changed, and how many job descriptions -- new job descriptions
24 do have to be prepared.

25 That's what I need right now, or within -- by July

1 22nd. All right?

2 MR. PENAGARICANO: Thank you. Yes.

3 THE COURT: Okay. Thank you very much.

4 Mr. Cartagena. Mr. Saucedo, yes.

5 MR. SAUCEDO: Yes, Your Honor. Just very briefly,
6 the 2018 staffing plan that was done after the staffing study
7 did review the current -- the number at that time of officers
8 performing purely administrative work or non-police work, and
9 there was a figure that was provided. I believe it was about
10 400 -- a need of 400 civilians at the time.

11 So Mr. Penagaricano is correct that the plan that
12 we've submitted does contemplate for precisely that update
13 that you're looking for, Your Honor. The Commonwealth has a
14 number that was given to them by an outside consultant that
15 looked at this. They should update it, and it should be part
16 of the July submission.

17 THE COURT: All right. But that's a number. That's
18 a number. What I -- I need more than that.

19 MR. SAUCEDO: Well, it's a number based on the
20 positions that were identified.

21 THE COURT: I need the -- you know, for you to
22 identify the positions to -- to see what -- if there's already
23 a job description for that position that can be just changed
24 from the sworn officer who's holding it to a civilian, whether
25 that job description has to be changed in any way or whether a

1 new job description has to be prepared.

2 MR. SAUCEDO: (Nodding head up and down.)

3 THE COURT: Because, you know, I just don't know, and
4 I'd like to know.

5 MR. SAUCEDO: Yes, Your Honor.

6 THE COURT: Okay?

7 MR. SAUCEDO: Yes, Your Honor.

8 THE COURT: Okay. Mr. Romero, any further comment on
9 this?

10 MR. ROMERO: I have no further comment, Your Honor.

11 THE COURT: Dr. Del Carmen.

12 DR. DEL CARMEN: No further comments, Your Honor.

13 THE COURT: Okay. Thank you.

14 The next topic -- well, the next two topics, the
15 status of the regulation to implement the law permitting 18
16 year olds to become members of the Bureau, and status of the
17 Bureau coordinating with universities to offer courses leading
18 to the Associate's Degree required by the agreement.

19 Now, has a regulation or at least in draft form been
20 prepared, Mr. Penagaricano?

21 MR. PENAGARICANO: Yes, it has, Your Honor. Yes, it
22 has been worked by the parties. We were discussing that as
23 soon as yesterday. There is a submittal that has to be done
24 as soon as next week pursuant to previous order of the Court
25 regarding that regulation.

1 THE COURT: Submittal to whom? To the monitor?

2 MR. PENAGARICANO: To the Court. Not -- the monitor
3 has been involved in the revision of that regulation as
4 well.

5 THE COURT: All right.

6 MR. PENAGARICANO: And there is a meeting we planned
7 actually yesterday, we scheduled for Monday morning to have a
8 final revision for that document in order to be ready to
9 submit it to the Court.

10 THE COURT: Okay. Mr. Abesada, do you have any
11 comment? Have you seen this regulation?

12 MR. ABESADA-AGUET: Yes, Your Honor. We have seen
13 that regulation.

14 THE COURT: And?

15 MR. ABESADA-AGUET: And we have made comments, and
16 our comments are that it complies with the reform agreement
17 requiring 18 year olds to have an Associate Degree, which is
18 going to be an exception to what's -- what could be
19 practical --

20 THE COURT: How can a high school graduate at 18 have
21 an Associate's Degree? That's -- there's no way. There's no
22 way.

23 Mr. Castillo, if you want to say something, go ahead.

24 MR. CASTILLO: I just want to clarify that the
25 consent decree requires that before a candidate becomes a

1 sworn officer, that they have an Associate's Degree.

2 THE COURT: I know that. I know that. Everybody
3 knows that. My question is how does that compaginate with the
4 new law? There's no way to have an 18 year old join the force
5 and already have an Associate's Degree. So what is your plan
6 or what do you suggest be a plan if an 18 year old goes to
7 Captain Figueroa and says, "I don't want to be a -- I want to
8 join the force; I just graduated from high school?"

9 MR. CASTILLO: Yes, Your Honor. You know, that plan
10 is for the Commonwealth to describe a little bit more. And as
11 you noted, it's -- it appears to be related to the next
12 talking point. And from our position, we need to just ensure
13 that that plan, whatever it may be, also complies with this
14 Court's Order and the consent decree.

15 THE COURT: Well, let me ask this. Mr. Penagaricano,
16 to -- in order for someone to join the force and be scheduled
17 to go to the academy, does that person have to have an
18 Associate Degree before he can enroll in the academy?

19 MR. PENAGARICANO: Yes. Yes, Your Honor. It's
20 required by the consent decree in this case. Yes. Yes.

21 THE COURT: So you have to have an Associate's Degree
22 before you can even be --

23 MR. PENAGARICANO: A cadet.

24 THE COURT: -- you can -- you have to enroll in the
25 police academy.

1 MR. PENAGARICANO: Correct.

2 THE COURT: Then what are you going to do with these
3 18 years olds?

4 MR. PENAGARICANO: Well, Your Honor, I think -- this
5 has been discussion for a month.

6 THE COURT: Yes, but I haven't had an answer.

7 MR. PENAGARICANO: Right. Well, the straight forward
8 answer is that the Commonwealth is going to comply with the
9 consent decree. No cadet will be recruited unless he has an
10 Associate Degree, period.

11 THE COURT: Well, then what's the use of this law?

12 MR. PENAGARICANO: Well, we designed a process, Your
13 Honor, to enter a regulation and enter into agreements as an
14 exploratory measure to see if there are ways with the
15 agreement of all the parties and the Court to try to make
16 sense of the law and maybe try to involve the universities,
17 develop programs.

18 THE COURT: Well, that was my suggestion.

19 MR. PENAGARICANO: And it's in motion. It's in
20 process. But until that is fully developed and agreed by all
21 parties here and the Court, that will not happen.

22 THE COURT: You will not accept any 18 year old to
23 become part of the police until this -- well, I don't know. I
24 mean, the way the statute reads, you may have to ask that the
25 statute be amended.

1 MR. PENAGARICANO: Yeah. I mean -- yes. I
2 suggest --

3 THE COURT: Because it's one thing, it says, oh,
4 okay, we need -- we're short of police officers, not just
5 sergeants. We're short of police officers. A lot of them are
6 leaving. I just saw in the paper the other day, three are
7 going to Charleston, North Carolina, and they expect to hire
8 six more during this month. And that's going to continue to
9 happen for whatever reason.

10 So if the purpose of the law was to say, okay, we're
11 going to have to have these 18 year olds become members of the
12 police force in order to be able to say that we're getting
13 more police officers, it's not going to work. It's not going
14 to work.

15 MR. PENAGARICANO: Well -- right, Your Honor, and we
16 understand.

17 THE COURT: Especially if you have to have an
18 Associate's Degree in order to even start at the academy.

19 MR. PENAGARICANO: Right. And that's why, Your
20 Honor, that the Court devised this process to enact a
21 regulation that has been discussed by the parties, go out and
22 talk to universities, and that process is in motion.

23 THE COURT: So wait a minute.

24 MR. PENAGARICANO: And we will report to the Court --

25 THE COURT: So wait a minute. So you would -- I

1 just -- the way I saw it, and perhaps I was wrong, the way I
2 saw it is that you accept an 18 year old to be a member of the
3 Bureau. Not a sworn police officer. A member of the Bureau.
4 I think the statute says that any 18 year old who joins the
5 Bureau has three years to complete an Associate's Degree.

6 MR. PENAGARICANO: (Nodding head up and down.)

7 THE COURT: Three years to complete an Associate's
8 Degree.

9 MR. PENAGARICANO: Right. (Nodding head up and
10 down.)

11 THE COURT: So how can they complete an Associate's
12 Degree in three years while being in the Bureau? I don't know
13 what jobs you would give them unless they can do jobs that a
14 sworn officer that -- that they cannot do, because they're not
15 sworn officers. Maybe there's a way of doing, you know,
16 civilian type work or other types --

17 Mr. Romero, what type of jobs can someone who is not
18 a sworn police officer, who may be a member of the police
19 force do?

20 MR. ROMERO: Your Honor, it's not uncommon for police
21 departments throughout the country to reach out to individuals
22 under the age of 21, but they do it in a different format.
23 The format is they are brought out as police explorers while
24 they continue their education, and they're brought on during
25 the course of the school year.

1 Their hours are very limited. During the summertime
2 when they're off from school, they spend more hours, they
3 perform assignments, for instance, dispatching; they perform
4 assignments within the department, perhaps even giving
5 tickets. There are different -- they're used in different
6 ways depending on the agency. New York City, for instance,
7 they just use them for security in some locations, police
8 facilities.

9 There are two ways to go here. PRPB could hire
10 people at the age of 18 for non-police functions, and when I
11 say non-police functions, I'm talking about traffic control,
12 I'm talking about dispatching. Something that's not requiring
13 a sworn officer to perform that task. That's one way. But
14 that would also at the same time put -- maybe make it
15 incumbent on that individual to get that education, either at
16 night or something. That's one option. Or one option is to
17 make it more related to a school in conjunction with a school
18 that they're attending, getting their education and the
19 Associate's Degree they need to be a police officer within
20 PRPB and perform functions within the Police Department that
21 are non-sworn functions, and be modified obviously based on
22 the schedule of the individual.

23 Also, take a look at work with -- something like you
24 indicated, some of the colleges, if some of the courses, PRPB
25 can provide some courses that could be giving credit at the

1 college level as well. So there's a number of ways they can
2 look at this issue.

3 THE COURT: Well, courses -- from what
4 Mr. Penagaricano said, and what -- apparently what the
5 agreement says, because I was thinking of whether the
6 universities would be able to offer credit for the -- for the
7 time spent at the academy, but now I'm told that you can't get
8 into the academy unless you have an Associate's Degree.

9 MR. ROMERO: Right. I wouldn't say going to the
10 academy. I would say taking courses. I wouldn't call it the
11 program that you're going to go to the academy to actually get
12 to be a police officer. It would be courses that could be
13 provided at the police level for these people who are
14 employees that could receive credit towards a degree, but not
15 be related to police training, per se.

16 THE COURT: Such as?

17 MR. ROMERO: Training in the -- in terms of criminal
18 justice, things like that, courses, law courses that could be
19 given that perhaps credit would be provided? It wouldn't be
20 part of the training towards becoming a police officer, but it
21 would provide credit for those individuals towards getting
22 their Associate's Degree, which would then allow them once
23 they have to get through the academy --

24 THE COURT: Well, I think, I think this regulation
25 has to be -- you know, it's got to be a very specific type

1 regulation, because, first of all, I just can't -- I mean, it
2 appears that the police, from what Mr. Penagaricano said, they
3 won't even consider getting an 18 year old on the force --

4 MR. ROMERO: I agree, Your Honor.

5 THE COURT: -- without an Associate's Degree.

6 MR. ROMERO: I agree, Your Honor. I think it needs
7 to be, I mean, better explained. The PRPB has indicated and
8 U.S. DOJ confirmed that no one would be promoted. No one
9 would be -- who doesn't have an Associate's degree as per the
10 agreement will become a police officer. And they said they're
11 going to comply with that.

12 THE COURT: Well, one thing is that, but now they're
13 telling me you can't even go to the academy unless you have an
14 Associate's Degree.

15 MR. ROMERO: Well, I think, correct me if I'm wrong,
16 I think they're talking about the actual training for the
17 police officer, that no one can participate in that training
18 without an Associate's Degree, and I concur. I think that's
19 what they're meaning there.

20 If they have employees performing dispatch or traffic
21 control or something like that, perhaps they offer some
22 courses that are not related to what's required of a police
23 officer, but courses that may give them credit with some
24 college that if it's determined that the college will accept
25 that, that could be helpful to them as well.

1 THE COURT: Mr. Penagaricano.

2 MR. PENAGARICANO: Yes. I was going to ask
3 permission from the Court to hear Mr. Pedro Santiago. He's
4 inhouse from the commissioner, and he's been directly involved
5 in some of these initiatives. And perhaps he can shed light
6 to the Court. Thank you.

7 THE COURT: Of course.

8 Mr. Santiago, please.

9 MR. SANTIAGO: Good afternoon, Your Honor.

10 THE COURT: You may remove your mask. Go ahead,
11 please.

12 MR. SANTIAGO: Okay. We need to be clear about the
13 process right now. Right now the candidates or the cadets for
14 law enforcement don't work as a law -- as a sworn officer.
15 They are students. What we are thinking about is we are
16 talking about with the principal academic institutions in
17 Puerto Rico, like three institutions, and they are able to
18 provide the credits for the 1900 hours for the police service
19 courses and provide the Associate Degree.

20 THE COURT: That's -- is that possible in three years
21 if --

22 MR. SANTIAGO: No. They will be possible in the 1900
23 hours.

24 THE COURT: Because if you read the statute, if they
25 don't complete an Associate's Degree in three years, they're

1 out.

2 MR. SANTIAGO: No. All the students, when -- all the
3 candidates will be passed through the 1900 hours.

4 THE COURT: However many years it will take them.

5 MR. SANTIAGO: One year and a half.

6 THE COURT: A year and a half?

7 MR. SANTIAGO: Year and a half.

8 THE COURT: Where? Where would they get all these
9 hours?

10 MR. SANTIAGO: Okay. We divide the preservice
11 courses into the operational courses and the academic courses.
12 The institution will provide credits for those operational
13 courses, and they will be bringing the academic courses. And
14 then it will be like intensive courses in the summer.

15 THE COURT: I see.

16 MR. SANTIAGO: Will not stop for that year and a
17 half.

18 THE COURT: And that -- and that would be before they
19 enter the academy?

20 MR. SANTIAGO: No. That will be the process of that
21 -- of the academy.

22 THE COURT: Okay. So these people still don't have
23 an Associate's Degree.

24 MR. SANTIAGO: They don't have an Associate's
25 Degree.

1 THE COURT: But they will be eligible to go to the
2 academy to take these particular courses?

3 MR. SANTIAGO: Yes. And because -- before they
4 become a sworn officer, they will have an Associate Degree.

5 THE COURT: All right. That I understand. But from
6 -- what I heard was that they needed an Associate's Degree
7 just to get into the academy.

8 MR. SANTIAGO: Well, that is something that we have
9 to discuss. Mr. Penagaricano says that we need the agreement
10 of all the parts of this in -- for that to work. And there
11 --

12 THE COURT: All right. Thank you.

13 Mr. Saucedo, any comments from you?

14 MR. SAUCEDO: Yes, Your Honor. Just briefly.

15 My understanding is that right now you need an
16 Associate's Degree to become a cadet, because this new law
17 hasn't been implemented, and it's the purpose for the
18 regulation being developed. So currently, to become a cadet,
19 to go through the police academy in the preservice program,
20 you need to have an Associate's Degree.

21 Now, our position, Your Honor, has always been the
22 Consent Decree requires good judgment, writing abilities to be
23 used -- able to write a use of force report and explain why
24 you used force, why you arrested someone. All of that.

25 We didn't include an age requirement in the

1 | agreement, but we required an educational requirement. So
2 | that is steadfast. We need to make sure whatever regulation
3 | is required as part of implementing a new law, that before a
4 | cadet becomes a sworn member of the force, that they have that
5 | Associate's Degree.

6 | Our understanding, Your Honor, one of the goals we
7 | understood the Commonwealth wanted to achieve through all of
8 | this was not to leave good candidates that were between 18 and
9 | 20 years old. And as Mr. Romero mentioned, and he mentioned
10 | this in the January status conference, that other police
11 | departments seize on an opportunity to take someone who is
12 | motivated, who wants a career in law enforcement, and support
13 | them in meeting those educational requirements in eventually
14 | becoming a police officer.

15 | So part of that is the exposure you would get doing
16 | this type of work to public service, to law enforcement. I
17 | think there are a lot of needs at the Police Bureau that could
18 | be met through a very, you know, coordinated, carefully
19 | planned program. We're not saying just send these people off
20 | to just, you know, provide security in a police station. They
21 | need to have some training and an opportunity to advance in
22 | their careers. But, Your Honor, we did get a draft
23 | regulation. Our purpose in reviewing it is to make sure that
24 | it complies with the agreement. It's the Commonwealth's law.
25 | They need to advance it, and they need to advance it in a way

1 | that complies with the agreement. And that's what we're
2 | looking for, Your Honor.

3 | THE COURT: Okay. All right.

4 | Mr. Abesada, or Mr. Romero, when do you think you
5 | will have comments to the draft regulation that I'm told is
6 | already ready, is already being provided.

7 | MR. ABESADA-AGUET: Roberto Abesada, Your Honor.

8 | We did have a discussion yesterday, and I believe we
9 | have another video conference on Monday at 9:00 AM to
10 | finalize. And hopefully by then --

11 | THE COURT: But when can the regulation be provided
12 | to me with analysis of the regulation vis-a-vis the statute?
13 | You know what I mean.

14 | MR. ABESADA-AGUET: Yes. I understand, Your Honor.

15 | THE COURT: When can that be done?

16 | MR. ABESADA-AGUET: We can provide, once we have that
17 | conference call on Monday, I believe we can probably have
18 | something ten days after that.

19 | MR. SAUCEDO: That sounds doable.

20 | THE COURT: Something to me?

21 | MR. ABESADA-AGUET: Yes.

22 | THE COURT: Okay. But remember, I just don't want
23 | the regulation. I want the regulation with an analysis of how
24 | it -- I want an analysis of how it complies or comports with a
25 | statute.

1 MR. ABESADA-AGUET: And that will be so.

2 THE COURT: All right. So by the end of this
3 month.

4 MR. ABESADA-AGUET: Yes, Your Honor.

5 THE COURT: So the 30th is a Monday. So the 31st,
6 Mr. Saucedo.

7 MR. SAUCEDO: Your Honor, just briefly, there is no
8 way that the parties are going to reach a final Commonwealth
9 regulation, right? So the parties can review the draft that
10 the Police Bureau signs off on to submit for the -- this
11 regulation needs to go through the Commonwealth's
12 administrative act process. And in that process, maybe there
13 are changes to it, that are made to it. But the United States
14 in this process cannot review the regulation for -- to make
15 sure that it's in conformance with the Commonwealth law.
16 That's up to the Commonwealth to do through its Administrative
17 Procedures Act.

18 We're looking at the draft regulation to make sure it
19 does not violate the consent decree, that it's going to
20 further its goals. That is what we are doing now. And we
21 have a meeting, as Mr. Abesada said, on Monday. But once that
22 document is reviewed by us, it still needs to go through an
23 entire procedure.

24 THE COURT: I know.

25 MR. SAUCEDO: Process.

1 THE COURT: But before it goes through that process,
2 I want to see it.

3 MR. SAUCEDO: Yes, Your Honor.

4 THE COURT: Because I may have some comments on it,
5 because I'm in charge of this consent decree.

6 MR. SAUCEDO: Yes, Your Honor. And that was
7 contemplated that once it was reviewed for comment by the
8 parties and monitor, that it would be filed with the Court.

9 THE COURT: All right. Okay.

10 Dr. Del Carmen, is there any way your team can help
11 with this?

12 DR. DEL CARMEN: Yes, Your Honor. We can. I haven't
13 seen the draft yet, but I can tell you that, as you know, I
14 just got back from the Czech Republic on a Fulbright
15 assignment. One of the things that is common in Europe in a
16 lot of police academies, they have both an academic component
17 and a training component.

18 The issue here that I think is going to be a
19 challenge on the implementation phase on this, whether or not
20 the 60 hours, academic hours that are going to be required for
21 an Associate's Degree to be granted are in fact in accordance
22 with a certification with other universities across the United
23 States.

24 People today, there are a lot of universities that
25 offer a Ph.D. in three weeks online. People pay a lot of

1 money, they get those, but the issue here is whether or not
2 the Southern Association of Colleges and Universities, SACS,
3 and various other components would actually accept this
4 degree. And whether or not the degree, as noted by the U.S.
5 Government, and as noted by the Commonwealth, that advancement
6 of knowledge in the development of critical thinking skills,
7 which is correlated with less use of force, with less
8 corruption in policing, can in fact come into effect.

9 We can certainly help, Your Honor.

10 THE COURT: Well, if there is coordination with the
11 local universities to offer courses leading to the Associate's
12 Degree, I would imagine that that -- that those courses would
13 comply with this entity that you mentioned.

14 DR. DEL CARMEN: Yeah, they would in nature, Your
15 Honor. However, the instructors have to be vetted and
16 certified by the University. We have these debates in my
17 other job all the time, which is, is the instructor of record
18 certified to teach; does that person have a terminal degree;
19 is that person qualified to teach. And they become --

20 THE COURT: For that particular subject.

21 DR. DEL CARMEN: For that particular subject, for
22 that subject to be counted and be credited.

23 So my point is it's a little more complicated than
24 that, but obviously we'd be happy to help out.

25 THE COURT: Okay. Please do.

1 DR. DEL CARMEN: Yes, sir.

2 MR. ABESADA-AGUET: Your Honor, if I may?

3 THE COURT: Yes. Mr. Abesada.

4 MR. ABESADA-AGUET: I also wanted to inform the Court
5 the monitor's office provided PRPB the best practice memo on
6 this program, and we will be happy to share that memo with the
7 Court.

8 THE COURT: Okay. Has Dr. Del Carmen seen it?

9 MR. ABESADA-AGUET: No. We'll share it with him.

10 THE COURT: And has Mr. Saucedo seen it?

11 MR. ABESADA-AGUET: It was part of the CRM-6 draft
12 report.

13 THE COURT: Okay. All right.

14 All right. Okay. I'm telling you, the drafting of
15 this regulation is going to take a lot of brain power,
16 because, like Mr. Saucedo said, it has to comply with the
17 consent decree, and I'm really not sure whether the statute --
18 the way the statute is written, whether the statute complies
19 with the consent decree. I'm really not sure. And so that's
20 why I want an analysis of the regulation, whatever it is that
21 you come up with, with the statute, because that's --
22 that's -- I think that's going to help everybody, including
23 the entities that have to take a look at this under the
24 Administrative Procedures Act, really, I think so.

25 All right. So by the end of this month, by the 31st,

1 I want that analysis. I want everybody involved, the monitor,
2 Mr. Abaseda, as counsel, Mr. Saucedo, PRPB, Mr. Penagaricano,
3 any other person involved that you want to get involved in
4 this from the PRPB in order to present to me a regulation that
5 you feel is in compliance with the statute.

6 MR. PENAGARICANO: Yes.

7 THE COURT: All right?

8 MR. PENAGARICANO: Yes, Your Honor. Thank you.

9 THE COURT: The next item is the status of the career
10 path policy. Anything on that? Mr. Penagaricano.

11 MR. PENAGARICANO: Yes. Your Honor, the career path
12 policy was developed by PRPB, was submitted to the parties I
13 think in February, and it has been subject again, like other
14 policies back and forth from the parties, all the way until I
15 think the special master commented on it on May the 1st. I
16 think that was the last party to comment on it. And it's been
17 revised as per the comments of all parties. And I think, in
18 discussions with both Counsel Vazquez and Captain Figueroa,
19 that it's on the verge of being submitted incorporating
20 everybody's input I think by next week.

21 THE COURT: Okay.

22 MR. PENAGARICANO: So it's definitely in good shape,
23 and a process is --

24 THE COURT: All right. And, Mr. Saucedo, any
25 comment?

1 MR. SAUCEDO: Your Honor, only that this pertains to
2 paragraph 21 of the consent decree, and this is an important
3 provision, because it's the agency's commitment to support an
4 officer in -- growing within the police profession, and within
5 PRPB. This is an important step, because it leads to
6 succession, right, leadership succession. This is about
7 developing new leaders within the Police Bureau to make
8 reforms sustainable.

9 We know that there are many command staff and
10 supervisors who have more than 25 years on the force and are
11 about to retire, so it's really important that we develop that
12 new leadership and that new talent be able not just to lead
13 the police but to manage it with all of the data components
14 that we expected to have, and to be able to make decisions
15 based on those new information systems.

16 So this career path policy is not just about
17 promotions. It's not just about this is what you need to be a
18 sergeant or lieutenant. This is what the Commonwealth will be
19 offering to help facilitate growth, professional growth within
20 the PRPB. It doesn't have to all cost money. This could be
21 offering different schedules or flexible schedules to allow
22 people to go to school at night, obtain their Bachelor's
23 Degree, their Master's Degree, whatever it is that they need.

24 But this is -- this is an important part of the
25 agreement, and we look forward to receiving the revision of

1 | that policy.

2 | THE COURT: All right. And so you will receive it,
3 | the monitor will receive it, and Dr. Del Carmen will receive
4 | it for comments.

5 | What about the last item on the -- Mr. Romero's
6 | agenda is the status of the promotional protocol
7 | implementation.

8 | MR. PENAGARICANO: Yes, Your Honor. That protocol
9 | was approved in open court last year.

10 | THE COURT: Well --

11 | MR. PENAGARICANO: I'm sorry.

12 | THE COURT: What Mr. Romero wants is the status of
13 | its implementation.

14 | MR. PENAGARICANO: Yes. So I was going to mention,
15 | Your Honor, that granted it -- that the implementation of that
16 | protocol has taken quite a bit of time. We had a meeting with
17 | the Secretary of Public Safety this morning, and he assured me
18 | that -- the amount of public announcement, convocatoria (ph),
19 | will go out on July the 1st.

20 | THE COURT: Okay.

21 | MR. PENAGARICANO: That's the most updated
22 | information we can provide for the Court.

23 | THE COURT: Is that for all promotions, all ranks?

24 | MR. PENAGARICANO: No. From inspector to colonel.

25 | THE COURT: So from high up?

1 MR. PENAGARICANO: Right.

2 THE COURT: Mr. Saucedo, anything?

3 MR. SAUCEDO: No, Your Honor. Nothing on this
4 item.

5 THE COURT: Okay. Dr. Del Carmen.

6 DR. DEL CARMEN: Nothing on this item, Your Honor.

7 THE COURT: All right. Thank you.

8 All right. There's a lot to do here, and there are a
9 lot of people to help. Obviously the Bureau and it's
10 personnel, Mr. Saucedo and the Department of Justice, the
11 monitor and his team, and the special master and his team, I
12 want everyone involved in pushing this consent decree forward.

13 This is its 10th year, and I'd like to at least see
14 some real, real, real progress. And what I hear from everyone
15 is that everyone's on board to make this consent decree go
16 forward as quickly as possible to its completion.

17 All right. Thank you very much.

18 I would like to see --

19 Oh, first of all, Secretary Torres, is there anything
20 you would like to add?

21 SECRETARY TORRES: No, sir.

22 THE COURT: Okay. I would like to see --

23 MR. SAUCEDO: Your Honor, just real quick. It's
24 important to see all the Commonwealth officials who are here
25 listening to all the details in this case. I do want to

1 | mention we do have some members of the community who are
2 | here.

3 | THE COURT: Oh, wonderful.

4 | MR. SAUCEDO: For example, I saw Mr. Jose Rodriguez
5 | here from the Dominican Committee on Human Rights. I know
6 | there are other members of the community who wanted to be
7 | here. I know one had a family emergency. But it's important
8 | we continue to include the community.

9 | But I know the monitor is working on a survey of the
10 | community, and that work has been very collaborative. But
11 | it's trying to get a snapshot of the views of the community
12 | and police officers and people, recent -- and interactions
13 | with the police to hear this, also.

14 | Now, you know, it's hard to predict where the
15 | pandemic will go, but we have been entailed in the amount of
16 | community engagement we've been able to do, so we're hopeful
17 | we can be, with the monitor's office and others involved, to
18 | continue to work with the members of the community so they
19 | continue to know what's happening and what their resources and
20 | the money that they put into their government is -- how it's
21 | being used and how it's having an impact on police reform.

22 | THE COURT: Okay. Who's here from the community?
23 | Please stand up.

24 | Okay. All right. Thank you.

25 | All right. Well, I hope that from what you've heard

1 | today, you can gather that we are working hard to make the
2 | police officers as professional a police force as can be?
3 | That is the -- that's what everybody is working for, and I
4 | think that's what we will eventually have.

5 | I know that your community especially has a -- has
6 | several issues with the police. And what this consent decree
7 | does is to limit, if not eliminate whatever issues are still
8 | out there between the police, your community, and every other
9 | community on the island. Okay?

10 | MR. SAUCEDO: Thank you, Your Honor.

11 | THE COURT: You're welcome.

12 | Now, I would like to see Secretary Torres,
13 | Mr. Romero, and Dr. Del Carmen in my chambers.

14 | COURTROOM DEPUTY: Are we done, Judge?

15 | THE COURT: You're all excused.

16 | (At 4:07 PM, proceedings concluded.)

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1 U.S. DISTRICT COURT)
2 DISTRICT OF PUERTO RICO)

3

4 I certify that this transcript consisting of 91 pages is
5 a true and accurate transcription to the best of my ability of
6 the proceedings in this case before the Honorable United
7 States District Court Judge Francisco A. Besosa on May 20,
8 2022.

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13 S/ Amy Walker

14 Amy Walker, CSR 3799

15 Official Court Reporter

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